



UPDATE
Administration and Human Services
Standing Committee Meeting Agenda
Monday, December 6, 2021
Immediately upon adjournment of earlier committee

Location:

You are invited to a Zoom webinar.

When: Dec 6, 2021 05:00 PM Central Time (US and Canada)

Topic: PWS/AHS Standing Committee Meetings

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84438964708?pwd=U0NST3Y2YVcrbDhNaHBydDluTUhFUT09>

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162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

149.137.68.253 (Mexico)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

207.226.132.110 (Japan Tokyo)

149.137.24.110 (Japan Osaka)

Meeting ID: 844 3896 4708

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<u>Name</u>	<u>Absent</u>
Commissioner Angela Markley, Chair	☐
Commissioner Melissa Bynum	☐
Commissioner Christian Ramirez	☐
Commissioner Mike Kane	☐
Commissioner Jane Philbrook	☐

I. Call to Order/Roll Call

II. Revisions to December 6, 2021 Agenda

New Item No. 6 – 211234....ORDINANCE: Vehicle stipend for the mayor

III. Approval of standing committee minutes from (no minutes to approve)

IV. Committee Agenda

Item No. 1 - REQUEST: EXTENSION OF MORATORIUM ON ENFORCEMENT OF MURALS WITHIN RESIDENTIAL ZONING DISTRICTS

Synopsis: A request for consideration of extending the moratorium on enforcement of pre-existing murals prohibited within certain zoning districts, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The moratorium shall apply to the following districts and their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4.

Tracking #: 211197

Item No. 2 - ORDINANCES: COVID-19 EMERGENCY

Synopsis: Consideration of making permanent the suspension of certain sections of Chapter 27, Planning and Zoning, and Chapter 32 of the Code of Ordinances, in conjunction with the COVID-19 emergency ordinances passed by the Unified Government Board of Commissioners, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Tracking #: 211198

Item No. 3 – PRESENTATION/RESOLUTION: AMENDED POLICY ON DONATED SICK LEAVE

Synopsis: Request amendments to the Human Resources Guide relating to donated sick leave, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

Tracking #: 211096

Item No. 4 – PRESENTATION/RESOLUTION: NEW POLICY ON CHILDBIRTH AND PARENTAL LEAVE

Synopsis: Request to add a new policy on paid childbirth and parental leave to the Human Resources Guide, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.

Tracking #: 211223

Item No. 5 - UPDATE: ENTERPRISE RESOURCE PLANNING (ERP) PROJECT IMPLEMENTATION

Synopsis: Presentation of the progress made on the implementation of the UG’s new “Workday” Human Capital and Financial Management Solutions Project scheduled to “go live” June 30, 2022, submitted by ERP Executive Sponsors Alan Howze, ACA/Chief Knowledge Officer, Kathleen VonAchen, Chief Financial Officer, and J. Renee Ramirez, Human Resources Director.

For information only.

Tracking #: 211166

V. Public Agenda

VI. Adjourn

**AGENDA UPDATE
ADMINISTRATION & HUMAN SERVICES
STANDING COMMITTEE MEETING
MONDAY, DECEMBER 6, 2021**

IV. COMMITTEE AGENDA

NEW ITEM

ITEM NO. 6 – 211234...ORDINANCE: VEHICLE STIPEND FOR MAYOR

Synopsis: An ordinance relating to a vehicle stipend for the mayor; amending Section 2-58, submitted by Jeff Conway, Assistant Counsel.



Staff Request for Commission Action

Tracking No. 211234

Full Commission Meeting Date: 12/16/21

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/21

(If none, please explain):

Publication Required: Yes 12/23/2021

<u>Date:</u> 12/03/2021	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> An ordinance relating to a vehicle stipend for the mayor; amending Section 2-58 of Division 3 of Article I of Chapter 2 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.				
<u>Action Requested:</u> Approve ordinance				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Mayor's car stipend ordinance				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to a vehicle stipend for the mayor; amending Section 2-58 of Division 3 of Article I of Chapter 2 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 2-58 of Division 3 of Article I of Chapter 2 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Sec. 2-58. - Compensation, benefits and expenses of mayor.

- (a) The annual compensation of the mayor shall be not less than \$120,000.00. Said salary shall be subject to an annual cost of living increase as set forth on paragraph (b) and such salary shall go into effect the beginning of the term commencing in 2022. The mayor shall receive the same benefits including, but not limited to, medical and dental insurance and participation in the Kansas Public Employee Retirement System and such other benefits as may be provided to the mayor of Kansas City, Kansas, as of September 30, 1997. The mayor shall be provided a monthly stipend sufficient to cover all costs, including fuel, insurance, registration, and maintenance of a current or late-model-year four-wheel drive vehicle that is sufficiently equipped during the term of office. ~~unified government car, fuel and maintenance for use during the term of office.~~
- (b) The mayor shall receive an annual cost of living increase based on the average of the Consumer Price Index and the average annual increase provided under collective bargaining agreements to bargaining units taken as a whole and their average and to which the unified government is a signatory party for the year prior to January 1 of each calendar year.
- (c) The salary of the mayor may be increased or reduced by legislative action of the commission; provided that the general election of the mayor follows the adoption of the ordinance by at least 120 days. No ordinance reducing the salary of the mayor shall become effective until the date of the commencement of the term of the mayor elected at the next general election. The mayor shall receive payment of actual and necessary

expenses incurred in the performance of the duties of the office in such form and manner as the commission may authorize.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS _____ DAY OF _____, 20__.**

Approved:

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 211197

Full Commission Meeting Date: 1/6/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/2021
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/19/2021	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Consideration of extending the moratorium on enforcement of pre-existing murals prohibited within certain zoning districts. The moratorium shall apply to the following districts and their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4.				
<u>Action Requested:</u> 				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution_Residential Murals Moratorium				

Published in the *Wyandotte Echo* on _____

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A MORATORIUM ON THE ENFORCEMENT OF
THE PROHIBITION OF MURALS IN RESIDENTIAL DISTRICTS AND SETTING
TEMPORARY STANDARDS FOR ENFORCEMENT UNDER CHAPTER 27, ARTICLE
VIII, DIVISION 11 OF THE CODE OR ORDINANCES.**

WHEREAS, the purpose of the Zoning Code of the Unified Government of Wyandotte County/Kansas City, Kansas is to ensure the stability and continuity of zoning for all properties; and,

WHEREAS, the purpose of Chapter 27, Article VIII, Division 11 of the Code of Ordinances ("Sign Code") is to accommodate the rights of individuals to freedom of speech; to recognize the business community's need for effective, individualized identity and public awareness; to regulate and reduce what otherwise might be confusing and objectionable clutter; to determine placement consistent with traffic safety, by reducing traffic hazards caused by distractions to motorists and impairment of sight lines; to protect property values by enhancing the harmony between residential and commercial uses; to incorporate new technologies for sign design and display; to complement the character of the zoning districts' land uses; to preserve the residential character of residential neighborhoods; to protect property values; to limit administrative burdens; to avoid the creation of nonconformities; to promote equity between businesses and other typical sign users; to implement the comprehensive plan; and to preserve, protect and promote the public health, safety and general welfare; and,

WHEREAS, the Sign Code was developed after a public process involving community input as to the appropriate characteristics of signs in the Unified Government's various neighborhoods; and,

WHEREAS, the Unified Government in the past has inconsistently enforced the Sign Code, specifically as it pertains to the provision of murals in residential districts.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. From the date of passage of this Resolution, the Unified Government will not enforce the presence of pre-existing murals on properties within the following zoning districts or their planned equivalents: A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, TND T-1, TND T-2, TND T-3, and TND T-4. Pre-existing means fulfilling the requirements of a mural as of the date of the passage of this

Resolution. Setbacks shall continue to be enforced subject to the property line setback as defined by the individual zoning districts.

2. The Unified Government will not allow any applications for murals in districts where murals are not allowed by Table VIII-11-4 through June 30, 2022 at 11:59 PM or once a new or amended Zoning Code goes into effect. Chapter 27, Article VIII, Division 11 of the Unified Government Code of Ordinances will be reviewed to ensure continued compatibility and feasible enforceability. This review will consist of the code comparison with peer and neighboring cities, an analysis of current best practices for sign codes, and engagement with the public.
3. The Board of Zoning Appeals shall not grant variances from the Sign Code to allow new murals in residential districts. After such reviews and public outreach has finished, the Board of Commissioners may make amendments, if needed, to the current Sign Code based on several factors, including the conclusions of said reviews and public outreach.
4. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.
5. This Resolution shall become effective upon passage by the Unified Government Board of Commissioners and will remain effective until June 30, 2022 at 11:59 PM, or until a new or amended Zoning Code becomes effective, or until a superseding resolution or ordinance becomes effective.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2021.

DAVID ALVEY, MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Staff Request for Commission Action

Tracking No. 211198

Full Commission Meeting Date: 1/6/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/2021
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/19/2021	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> Consideration of making permanent the suspension of certain sections of Chapter 27, Planning and Zoning, and Chapter 32 of the Code of Ordinances, in conjunction with the COVID-19 emergency ordinances passed by the Unified Government Board of Commissioners.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Chapters 27 32 _All Resolutions _thru 06.2022, Chapter 32 _All Ordinance Amendments _thru 06.2022, Chapter 27 _All Ordinance Amendments _thru 06.2022				

RESOLUTION NO. _____

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government' s top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare; and,

WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and public health, safety, and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED
GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

1. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on June 30, 2022:

- §27-608(4)a – Farmers’ markets in agriculture districts (*suspend the annual agreement*).
- §27-609(7)a – Mobile market vending for food access in single- and two-family residential districts (*includes suspension of enforcement for all subsections*).
- §27-610(8)a – Mobile market vending for food access in multi-family residential districts (*includes suspension of enforcement for all subsections*).
- §27-611(10)a – Farmers’ markets in non-retail commercial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(6)a – Exterior sales on private property in commercial districts (*suspend the requirement for the business license to be before 2009*).
- §27-612(6)a.8 – Exterior sales on private property in commercial districts (*suspend the requirement for the vending area to be flush with the façade of the building*).
- §27-612(6)a.9 – Exterior sales on private property in commercial districts, sales displays and vending machine (*suspend the limitation of one exterior sales display*).
- §27-612(6)a.11 – Exterior sales on private property in commercial districts, vending areas shall not exceed 24 square feet.
- §27-612(6)b – Exterior sales in on private property commercial districts (*suspend prohibition on exterior sales in the commercial district overlay or in planned districts*).
- §27-612(8)a – Farmers’ market in commercial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(9)a – Food truck and mobile food vending in commercial districts (*includes suspension of enforcement for all subsections*).
- §27-613(9)a – Farmers’ market in industrial districts (*suspends annual agreement and Special Use Permit requirements*).
- §27-612(9)a.8 – Food truck and mobile food vending in commercial districts may not operate within 500 feet of a business offering similar products.
- §27-613(9)a – Farmers’ markets in industrial districts.
- §27-613(10)a – Food truck and mobile food vending in industrial districts (*suspend enforcement of all subsections, including the annual agreements and Special Use Permit requirements*).
- §27-614(2)a – Farmers’ market in traditional neighborhood design (TND) districts (*suspends annual agreement and Special Use Permit requirements*).

- §27-614(3)a – Food truck and mobile market vending in traditional neighborhood design (TND) districts (*suspend enforcement of all subsections, including the annual agreements and Special Use Permit requirements*).

2. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 32 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on June 30, 2022:

- §32-93 – Food vending license fee.
- §32-97(w) – Vending vehicle standards: no food or merchandise may be offered or sold to any occupant of any vehicle.
- §32-127(a) – Special events license: application to vend at special event.
- §32-127(c) – Special events license: license fee.
- §32-127(d) – Special events license: license for vending vehicle in a park.
- §32-180 – Duration of sidewalk vending license.
- §32-182 – Pedestrian traffic set aside of 72 inches.
- §32-183 – Fee for sidewalk vending license.

3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

4. This Resolution shall become effective upon passage by the Unified Government Board of Commissioners.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2021.

DAVID ALVEY, MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, and allowing Open Streets for recreational use, by renewing **Sections 32-100 to 32-104 and 32-185 to 32-186**, Articles III, and **Sections 32-380 to 32-382**, Article VIII, of Chapter 32 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, due to COVID-19 more people are staying home and are in need of places to conduct recreational activities. Public health officials recommend that any recreational activities take place outside if possible, and therefore there is a greater need for large outdoor spaces to accommodate these needs; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare; and,

WHEREAS, the Unified Government desires to provide its citizens with open areas for recreational purposes through the Open Streets program established herein, and reasonable regulation of Open Streets is necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 32, Streets and Sidewalks, Article III, Section 32-62 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended with additional definitions to read as follows:

32-62 – Definitions.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
 - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
 - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
 - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
 - d. *Open air fairs*. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
 - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly

movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for Sections 32-380 and 32-381.

Section 2. That Chapter 32, Streets and Sidewalks, Article III, Sections 32-100 to 32-102 and Sections 32-185 to 32-186 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

32-100 – Findings and Purpose.

It is found and declared that:

- (1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian-oriented commercial areas is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits and enhancing overall community quality of life.
- (2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

32-101- Definitions.

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Section are defined by state law, such definitions shall apply to the use of such words and phrases in this Section and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this Section.

Alcohol - means any beverage containing more than one-half of one percent (0.5%) of alcohol by volume including alcoholic liquor, wine, and beer.

Building - means any building or permanent structure in which the business in question regularly and primarily operates.

Applicant - a person who applies for a permit as provided in this Section.

Farmers' Market - an outdoor market where fresh produce, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in

number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food Establishment - a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

NACTO Standards - the construction and design standards set forth in "Urban Street Design Guide", published by the National Association of City Transportation Officials.

Non-profit Organization - an entity that is registered as a 501(c)(3) organization with the State of Kansas.

Open-air Market - a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Parklet - an on-street public parking space converted to be used for public dining or sales purposes. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

Parklet Elements - all tables, chairs, fencing, and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

Prepared Food Vending Vehicle - means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed, or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.

Public Right-of Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart - any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Sidewalk Cafe - an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed sidewalk cafes must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

Sidewalk Cafe Elements - all tables, chairs, fencing, and other materials used for demarcating the sidewalk café or outdoor tavern from the right-of-way, planters and plants, and any other privately-owned property comprising the sidewalk café or outdoor

tavern, which is approved for use in a sidewalk café or outdoor tavern by this Ordinance.

Surplus Off-Street Parking - any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Outdoor Tavern - an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment resides; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Vending Vehicle - means a pushcart or a prepared food vending vehicle.

Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Walk-up Market - an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off- site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

32-102– Applicability and Enforcement.

- (a) The provisions set forth in Section 32-100 to 32-186 shall be suspended if it is determined under *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of *Restart WyCo*, among other ways. Outdoor sales are allowed under this Ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this Ordinance shall supersede.
- (b) Businesses. Only businesses that have successfully received an occupation tax number with the Business License office and which remain current and in good standing with all occupation tax payments may operate a sidewalk cafe, walk-up market, or outdoor retail space under this Ordinance. Vending, soliciting, or giving away goods or items without a business license as required is prohibited. Any persons or entity operating a sidewalk café, walk-up market, open tavern, or sidewalk vending under this Ordinance must conduct such operation in one of the following manners, subject to further regulations from applicable Sections of the Ordinance:

- (1) On the sidewalk, right-of-way, or parklet immediately adjacent to the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
- (2) In the front and/or side yard of the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
- (3) In the designated off-street parking lot or shared off-street parking lot for the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates.

All persons and entities are prohibited from operating a sidewalk café, walk-up market, open tavern, and/or sidewalk vending under this Ordinance in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.

- (c) Non-Profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in the Ordinance under the following conditions:

- (1) The entity be a registered with the State and whose status as a 501(c)(3) organization remains current and in good standing; and
- (2) Has permission from the property owner adjacent to the on-street parking, right-of-way clearance, or parking lot; and
- (3) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food, subject to all regulations regarding food establishments in this Ordinance, or take donations on-site; and
- (4) Does not violate any other requirements in this Ordinance, including, but not limited to, spacing, social distancing, hours of operation, and parking spaces.

- (d) Rights-of-Way

- (1) Right-of-Way Permits

- a. Right-of-way permits otherwise required for work or activities allowed in this Ordinance are waived, except for the permits needed to construct a permanent or semi-permanent parklet.
- b. Nothing in this Article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
- c. No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.

- (2) Damage to the Right-of-Way

- a. Any damage to the right-of-way as a result of uses under this Ordinance, including, but not limited to, the erecting or securing of temporary or semi-

permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.

(e) Fire Safety

(1) Power of Fire Department

- a. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).
- b. Any deviation from the State's adopted International Fire Code requirements for these inspections must remain unless the State Fire Marshal specifically waives these requirements.

(2) Inspection of Mobile Vending

- a. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

(f) Public Health

(1) Power of Local Health Officer.

- a. The Local Health Officer, Deputy Local Health Officer, Health Department Director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in Sec. 16-2, Sec. 17.3 and Sec. 32- 100 to 32-I 85.
- b. This Subsection may be construed to give the same power and authority to the Local Health Officer, Deputy Local Health Officer and/or their designee(s) than is granted to them under local and State law.
- c. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.

(g) Zoning and Code Enforcement

(1) Any Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.

(2) This Subsection may be construed to give the same power and authority to a Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) than is granted to them under local and State law.

(h) Food Establishments, Food Service, and Outdoor Taverns

(1) Applicability

- a. Sidewalk Cafes. For entities that fulfill the following conditions, no permit is required to operate a sidewalk cafe. This ordinance only applies to any business that:

1. Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 2. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- b. Walk-up Markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market. This ordinance only applies to entities which fulfill one of the following:
1. A business which:
 - (i) Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 - (ii) Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments; or
 2. An entity that is registered as a 501(c)(3) organization with the State whose status as a 501(c)(3) organization remains current and in good standing, and which has the permission of the property owner.
- c. Outdoor Taverns. For businesses that fulfill the following conditions, a permit is required to serve cereal malt and/or alcoholic beverages outside the building of the designated place of business. This ordinance applies to all businesses that:
1. Sells cereal malt and/or alcoholic beverages for consumption on the premises; and
 2. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.
 - (i) For purposes of this ordinance, sales on the premises may include allowable outdoor sales, which are defined in the Sections 32-102.h.2 and ~~Section~~ 32-102.h.7.
- (2) Allowed Areas
- a. One or more of the following areas may be utilized for a food establishment or tavern as a sidewalk café or walk-up market and/or outdoor tavern:
 1. From the building to the curb of the street (“building-to-curb area”), subject to the following conditions;
 - (i) A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four (4) feet in width must be maintained for use under the ADA;
 - (ii) All sidewalk cafe elements must be at least four (4) feet from street furniture and designated fire lanes; and
 - (iii) No yard abutting an adjacent residentially zoned property may be used as a sidewalk café, walk-up market, and/or outdoor tavern without a Special Use Permit.
 2. A parklet, subject to the following conditions:

- (i) One of the following is allowed to be used as a parklet by a food establishment:
 - A. One (1) on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
 - B. If there is no such described on-street parking space, one (1) on-street parking space contiguous to the sidewalk contiguous to the building.
 - (ii) Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 - (iii) No ADA parking spaces nor access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by a sidewalk cafe.
 - (iv) Only one parklet is allowed per building. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this parklet.
 - (v) No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 - (vi) All seating within the parklet must be at least three (3) feet from passing automobile traffic.
 - (vii) No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
3. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.
- (i) If a business does not have any surplus parking spaces, then the business must first look to use a parklet.
 - (ii) If a parklet cannot be achieved because there is no adjacent on-street parking allowed by this Ordinance or other local regulations, then off-street parking can be used regardless if the business has surplus parking or not. The business may still only use one (1) parking space of non-surplus off-street parking, in the same manner as if it were a parklet.
- b. All sidewalk cafes or outdoor taverns must:
 - 1. Provide designated seating for all customers; and
 - 2. Waitstaff or other employees for food establishment or tavern must serve all food and drink to the customers at their designated seating.
 - c. All sidewalk cafes, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
 - d. The business or non-profit organization operating under this Section shall be responsible for maintaining the required four (4)-foot pedestrian walkway, and keeping the walkway free of trash and debris.

- e. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
- f. No sidewalk café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
- g. No sidewalk cafe or other area designated for customer dining shall be located within 30 feet of a dumpster nor within 10 feet of a trash receptable. This restriction shall apply whether the dumpster or trash receptable is on the property of the food establishment hosting the sidewalk café, on a neighboring property, or in the public right-of-way.

(3) Social Distancing and Public Health

- a. All food establishments and outdoor taverns are responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and any other local, state or federal restrictions.
- b. In order to baseline level of safety for both employees and customers alike, all food establishments and outdoor taverns must maintain social distancing in the following ways:
 - 1. Ensure that customers or parties of customers maintain at least six (6) feet from each other while queuing to order food.
 - 2. Ensure that customers or parties of customers maintain at least six (6) feet from each other while eating food or consuming cereal and/or alcoholic beverages. This would involve keeping the closest point of one seating arrangement (table and chairs) at least six (6) feet from the closest point of the next seat arrangement.
 - 3. Ensure that customers or parties of customers maintain at least six (6) feet from another outdoor use in this Section, whether hosted by the same food establishment/outdoor tavern or not.
 - 4. Ensure that customers or parties of customers maintain at least six (6) feet from pedestrians using the public right-of-way.
- c. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating a sidewalk cafe, walk-up market, or outdoor tavern.
 - 1. The business property, or any public or private area utilized by the business for the purposes of a sidewalk cafe, walk-up market, and/or outdoor tavern, including but not limited to, the building-to-curb area, parklets, on-street parking, or off-street parking, shall be kept free of trash and debris at all times. Conformed reports of trash blowing off the property into other properties or the public right-of-way shall be prima facie evidence of the business's failure to comply with this ordinance.

2. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any sidewalk cafe, walk-up market, and/or outdoor tavern operated by the business.

(4) Structures

- a. Permanent/semi-permanent structures may be used for parklets that fulfill the requirements for a sidewalk cafe and/or walk-up market.
 1. A business may erect a permanent or semi-permanent parklet and designate it as such.
 2. Any parklet structure must be built to be level with the sidewalk adjacent to it.
 3. Any parklet structure must be built to fit within the dimensions of one (1) parking space.
 4. All parklets must comply with NACTO standards.
- b. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. Semi-permanent structures may remain in allowed surplus off-street parking at all times. Temporary Structures may be used for building-to-curb areas, parklets, and/or parking lots.
 1. Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. Use of umbrellas encouraged.
 - (i) "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least 10 feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
 2. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. Weighs are encouraged to be used to secure temporary or semi-permanent structures.
 3. Outside the hours of operation, as defined in this Section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code. Permanent/semi-permanent structures, including parklet structures, may remain in an allowed parking space at all times.
 4. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - (i) All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - (ii) Signs cannot be attached to public infrastructure.
 - (iii) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
 5. Any permanent/semi-permanent structure constructed or erected in the building-to-curb rea is subject to an administrative review by the Department of Planning and Urban Design.

- (i) For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
 - A. A foundation is installed; or
 - B. Poles are installed for more than four (4) inches in the ground, whether structural support or to hold up a sign; or
 - C. A hard-sided roof is installed; or
 - D. Construction of the structure would require a building permit outside of this Section.
 - (ii) For an administrative review, applicant must provide the following:
 - A. Site plan of the property, including the permanent/semi-permanent structure; and
 - i. Setbacks and ADA-compliant paths must be marked and measurements provided.
 - ii. For an outdoor tavern, the applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.
 - B. Elevations of the structure, drawn to scale.
- (5) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this Section.
- (6) Hours of operation
 - a. Food establishments shall not operate a sidewalk cafe or walk-up market outside of the business's published hours of operation.
 - b. Taverns shall not operate an outdoor tavern outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations by no later than 10:00 p.m.
- (7) Alcohol Sales. Establishments may serve alcohol under the following conditions:
 - a. Sidewalk cafés.
 - 1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
 - 2. All alcohol must be served to the customer in an open container.
 - 3. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
 - 4. Under this ordinance, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the Subsection regulating outdoor taverns applies.
 - b. Outdoor Tavern.

1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
 2. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
 - c. No portion of this Subsection may be construed to supersede ABC regulations. If any portion of this ordinance is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.
- (8) *Lighting.* Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.
- a. Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings.
 - b. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the sidewalk cafe, parklet, or parking lot being used for outdoor sales.
- (9) *Noise Levels and Noise Disturbance.*
- a. No music shall be played or produced through external speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10 PM, whichever time is earlier.
 - b. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in Section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as a sidewalk cafe, walk-up market, and/or outdoor tavern.
- (10) *Mobile Vending*
- a. No permit shall be required for any Mobile Vending. However, mobile vending by a person, person(s), or location may be restricted at the discretion of the Department of Urban Planning and Land Use Staff.
 - b. A mobile vendor or one otherwise engaged in mobile vending must fulfill the following conditions:
 1. The sale of alcohol total less in annual dollar volume than the sale of food; and
 2. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- (11) *Parking*
- a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter will occupying the parking space or parklet. However, the time limit on parking meters when used in the manner described in this Subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this Subsection.

- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
- c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
- d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
- e. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
- f. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five (5) feet from passing automobile traffic. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.

32-103–Review and Sunset

- (a) The amendments set forth in sections 32-100 through 32-102 of this article shall be reviewed by the board of commissioners on or before ~~December 31, 2020~~ June 30, 2022 to determine whether they should be revise, repealed, or whether additional studies are warranted.
- (b) The amendments set forth in sections 32-100 through 32-102 of this article shall be repealed effective ~~December 31, 2020~~ June 30, 2022 unless renewed by the board of commissioners.

32-185–Retail

- (a) Applicability. For entities that fulfill the following conditions. no permit is required to operate outdoor retail. This ordinance only applies to any business that:
 - (1) Sells items and/or services typically and regularly sold at the establishment; and
 - (2) Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- (b) Allowed Arrangements. Businesses may engage in outdoor sales. subject to the following conditions:
 - (1) The outdoor sale must operate as an open-air market.
 - (2) Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold. under the following conditions:
 - a. No item(s) for sale or on display obstructs the sidewalk to a degree that a four (4)- foot width cannot be maintained at all times; and

- b. No item(s) for sale or on display hang over the air space of said four (4)-foot width on the sidewalk.
- (3) Any retail that is allowed under another Section of the Code of Ordinances. subject to all regulations under this ordinance.
- (c) Types of Retail Allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
 - (1) Food and beverages;
 - a. All food and beverages must be prepackaged before being shipped to the business to be sold. If food and/or beverages are fresh or pre-packaged after being shipped to the business 's physical location. then the subsection of the ordinance regulating Food Establishments applies.
 - (2) Books and other paper goods;
 - (3) Potted plants, cut or arranged flowers, or gardening seeds;
 - (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
 - (5) Jewelry and other wearable accessories;
 - (6) Homemade goods and crafts;
 - (7) Clothing;
 - a. Changing rooms in an open-market are prohibited.
 - (8) Office services;
 - (9) No repair work of any kind is allowed in an open-air market.
- (d) Allowed Areas.
 - (1) One or more of the following areas may be utilized for an allowed business as an open-air market:
 - a. From the building to the curb of the street, subject to the following conditions:
 - 1. A clearance-e ither a sidewalk or designated path if there is no sidewalk-parallel to the street and at least four (4) feet in width must be maintained for use under the ADA; and
 - 2. All open-air market elements must be at least four (4) feet from street furniture and designated fire lanes
 - b. A parklet, subject to the following conditions:
 - 1. One of the following is allowed to be used as a parklet by a food establishment:
 - (i) One (1) on-street parking space that is both contiguous to the building and 20 feet from an intersection or street comer; or
 - (ii) If there is no such described on-street parking space, one (1) on-street parking space contiguous to the sidewalk contiguous to the building.
 - 2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.

3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an open-air market.
 4. Only one parklet is allowed per building.
 5. No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 6. All seating within the parklet must be at least three (3) feet from passing automobile traffic.
 7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
- c. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.
1. If a business does not have any surplus parking spaces, then the business must first look to use a parklet.
 2. If a parklet cannot be achieved because there is no adjacent on-street parking allowed due to other local regulations, then off-street parking can be used regardless if business has surplus parking or not.
- (2) The business or non-profit organization operating under this Section shall be responsible for maintaining the required four (4)-foot pedestrian walkway, and keeping the walkway free of trash and debris.
- (3) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
- (4) No outdoor retail space as allowed under this Section shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
- (e) Social Distancing
- (1) All businesses are responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and federal restrictions.
 - (2) In order to baseline level of safety for both employees and customers alike, all businesses must maintain social distancing in the following ways:
 - a. Ensure that customers or parties of customers maintain at least six (6) feet from each other while shopping.
 - b. Ensure that customers or parties of customers maintain at least six (6) feet from each other while queuing to check out.
 - c. Ensure that customers or parties of customers maintain at least six (6) feet from another outdoor use in this Section, whether hosted by the same business or not.
 - d. Ensure that customers or parties of customers maintain at least six (6) feet from pedestrians using the public right-of-way.

- (f) Temporary Structures may be used for sidewalk cafes, parklets and/or parking lots.
 - (1) Temporary structures that provide shade for retailers and customers made be erected. Use of umbrellas is encouraged.
 - a. "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least 10 feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
 - (2) No temporary structure may be secured in any manner that damages the right-of-way or private property. Weights are encouraged to be used to secure temporary structures.
 - (3) Outside the hours of operation, as defined in this Section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.
 - (4) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - a. All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - b. Signs cannot be attached to public infrastructure.
 - c. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- (g) Metering: Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this Section.
- (h) Hours of operation shall be the business' s regular published hours.
- (i) Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.

32-186- Review and Sunset.

- (a) The provisions set forth in section 32-185 shall be reviewed by the board of commissioners on or before ~~December 31, 2021~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) Section 32-185 shall be repealed effective ~~December 31, 2021~~ June 30, 2022 unless renewed by the board of commissioners.

Section 3. That Chapter 32, Streets and Sidewalks, Article VIII, Sections 32-380 to 32-382 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

ARTICLE VIII. – RECREATIONAL USE OF the RIGHT-OF-WAY

32-380 – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Article are defined by state law, such definitions shall apply to the use of such words and phrases in this Article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this section.

Open street means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open street block captain means the individual serving as the applicant, point of contact, and responsible party for an open street.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
 - a. *Animal shows.* Exhibitions of domestic or large animals for a maximum of seven days.
 - b. *Circuses and carnivals.* Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
 - c. *Religious assembly.* Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
 - d. *Open air fairs.* Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
 - e. *Other activities interrupting traffic.* Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities

can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of a right-of-way as an open street.

32-381– Open Streets.

(a) Applicability

- (1) Any block that qualifies as an Open Street is allowed to be an applicant for an Open Street permit.
 - a. The street must be designated a residential, local, or neighborhood street that has at least one (1) occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.
 - b. Any street or right-of-way that is not designated by Section 27-763 or the Major Streets Plan as a highway, freeway, expressway, Class A Thoroughfare, Class B Thoroughfare, Class C Thoroughfare, or collector street.
 - c. An alley cannot be an Open Street.
- (2) The purpose of an Open Street is to provide a temporary space for recreational use by the residents, business owners, and the public.
- (3) No language in this Section should be construed to waive enforceability of public nuisances.

(b) Application Process

- (1) Parties Allowed to be an Open Street Block Captain
 - a. A property owner of a non-vacant property that has an entrance facing the affected block; or
 - b. With written permission by the property owner, a residential or commercial tenant in a property that has an entrance facing the affected block.
- (2) The open street block captain must completely and accurately fill out the entire open street permit application.
- (3) The open street block captain must sign the waiver of responsibility for the street barricades.
- (4) Proper notice must be given to 100 percent of the owners of non-vacant property on the Open Street permit application before the application is turned in to the Public Works Department.
 - a. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and neighborhood business and revitalization organizations (NBR), that serve the affected block; and
 - b. Proper notice includes providing sufficient notice and information to the Department of Public Works' Right of Way Manager.

(c) Duties of the open street block captain.

- (1) The open street block captain must maintain the barricades as follows:

- a. Remove or arrange for and ensure the removal of barricades by sunset every day;
- b. Ensure the integrity of the barricades before being reposition on the right-of-way after 8:00 a.m. and maintain a reasonable watch on the barricades throughout the day;
- c. Address qualifying damage to the barricades as follows;
 - 1. Qualifying damage to a barricade includes:
 - (i) Inability to stand properly;
 - (ii) Inability to stay upright under reasonable circumstances, including a moderate wind;
 - (iii) Defacement of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (iv) Defacement to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (v) Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.
 - 2. If a barricade suffers qualifying damage, the open street block captain may first attempt to repair the damage. If the damage cannot be repaired quickly, all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.

(2) Removal of litter and debris

- a. The open street block captain is responsible for removal of any litter, debris and other materials from the street around the barricades.
- b. If the open street block captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the open street block captain.

(3) The open street block captain will be subject to all responsibilities enumerated in Section 32-181(c) through ~~December 31, 2020~~ June 30, 2022.

(4) The open street block captain will serve as the point of contact during the open street application process and for the open street permit so long as the permit is in effect.

- a. The open street block captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the open street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block.

(d) Open Street Barriers

(1) Proper barriers for an open street must meet the following requirements:

- a. The barriers must be painted orange; and
- b. Measure at least 48 inches in height; and
- c. Of each set of two (2) barriers at an intersection. the barrier closer to the intersection shall carry a sign.
 - 1. The sign must be made of durable material.
 - 2. Markings on the sign should be legible, easy to see. and resistant to sunlight. precipitation, and wind.
 - 3. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.

(2) Arrangement

- a. Four (4) barriers must be used to signify a street block as an open street.
- b. ~~Barrier~~ The barrier must be arranged in the following manner:
 - (i) The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24 inches by 36 inches that reads "Local Traffic and Deliveries Only" and faces the intersection.
 - (ii) The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.
 - (iii) The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.
- c. Barricades shall be placed at contiguous intersections (either 3-way or 4-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.
- d. Maintaining vehicular access.
 - 1. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the open street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.
 - 2. Access to residences and businesses on an open street block.
 - (i) Access must be granted to businesses and residences on the open street block as needed; and
 - (ii) The open street block captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the open street block.

(e) Term of permit.

- (1) Barricades may not be erected on the right-of-way before 8:00 a.m. and after sunset or 10:00 p.m., whichever is earlier.

- (2) Barricades may be erected under the conditions enumerated in Section 32-181(d) every day through ~~December 31, 2020~~ June 30, 2022 unless otherwise prohibited by this ordinance or another allowed action taken by the board of commissioners or any allowed department.

32-382– Review and sunset.

- (a) The amendments set forth in sections 32-380 and 32-381 of this article shall be reviewed by the board of commissioners on or before ~~December 31, 2020~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) The amendments set forth in sections 32-380 and 32-381 of this article shall be repealed effective ~~December 31, 2020~~ June 30, 2022 unless renewed by the board of commissioners.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2021.

DAVID ALVEY, MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of farmers' markets, mobile vending, and mobile markets to sell food, drinks, and merchandise on public rights-of-way and parking lots, renewing portions of **Sections 27-340, 27-609 to 27-614, and 27-617 to 27-621** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and,

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and,

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and,

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and,

WHEREAS, reasonable regulation of vending outdoors and in public rights-of-way is necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 27, Planning and Development, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended with additional definitions to read as follows:

27-340. - Definitions

Applicant means a person who applies for a permit as provided in this section.

Farmers' market means outdoor market where fresh produce, homemade good, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food establishment means a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales, and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise is sold, given away, displayed, or offered for sale, at retail. Items for sale may include plant products that may be consumable but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Prepared food vending vehicle means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck. For purposes of this ordinance, "food truck" shall be synonymous with "prepared food vending vehicle".

Public right-of-way means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane, ~~right-of-way~~, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or _____ publicly owned.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities

Act (ADA).

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Section 2. That Chapter 27, Planning and Development, Article VIII, Sections 27-608—27-614 and 27-617—27-621 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

27-608. - District AG

In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock. To carry out the farming business and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silo s, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) *Farmers' markets.*
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (5) *Mobile markets.*
 - a. See section 27-619 for additional mobile market regulations.
- (6) *Mobile vending.*
 - a. See section 27-620 for additional mobile vending regulations.

27-609. - Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

- (1) *Home occupations.*
- (2) *Accessory buildings (garages, carports, tool sheds, etc.).*
- (3) *Animals.*
- (4) *Hobby activity.*
- (5) *Additional uses.*

(6) *Storage of equipment, material or vehicle.*

(7) *Mobile market vending for food access.*

- a. Mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design use in this district.
 1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning department.
 2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, and the agreement may be revoked at any time without cause or notice.
 3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant (s) at that location.
 - (ii) Vehicle is not parked within 100 feet of a single-family home's property line.
 - (iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.
 - (iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (v) Vendor does not install any permanent improvement on the sidewalk.
 - (vi) Vehicle is not parked in a no-parking zone.
 - (vii) Does not occupy parking required for other businesses.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 - (x) Mobile markets may operate from 9:00 a.m.–5:00 p.m. Sunday, 9:00 a.m.–7:00 p.m. Monday-Thursday, and 9:00 a.m.–8 p.m. Friday and Saturday.
 - (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
 - (xii) Mobile markets may not park for more than four hours once a week at any one location.
- b. See section 27-619 for additional mobile market regulations.

(8) *Farmers' markets.*

- a. See section 27-618 for additional farmers' market regulations.

(9) *Mobile vending.*

- a. See section 27-620 for additional mobile vending regulations.

27-610. - Districts R-3, R-4, R-5, R-6 and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment(R-6), and mobile home park (R-M) districts, accessory uses are as follows:

- (1) Those accessory uses permitted in the R-1 district.
- (2) Parking areas.
- (3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
- (4) Trash collection centers.
- (5) Power generators.
- (6) Vending machines for tenant use.
- (7) Necessary offices and maintenance facilities and other similar uses.
- (8) Mobile market vending for food access.
 - a. Mobile markets are allowed up on submitting an annual agreement with the department of planning and urban design in this district.
 - (1) Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning department.
 - (2) Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.
 - (3) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - (ii) Vehicle is not parked within 100 feet of a single-family home.
 - (iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (iv) Vendor does not install any permanent improvement on the sidewalk.
 - (v) Vehicle is not parked in a no-parking zone.
 - (vi) Does not occupy parking required for other businesses.
 - (vii) If in a metered spot, meter is paid.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

- (x) Mobile markets may operate from 9:00 a.m.–7:00 p.m. Sunday-Thursday, and 9:00 a.m.–8:00 p.m. Friday and Saturday.
 - (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
 - (xii) Mobile markets may not park for more than four hours at any one location.
- b. Section 27-619 for additional mobile market regulations.
- (9) *Farmers' markets.*
- a. See section 27-618 for additional farmers' market regulations.
- (10) *Mobile vending.*
- a. See section 27-620 for additional mobile vending regulations.

27-611. – District C-O.

- (a) In the C-O district, accessory uses are as follows:
- (1) Parking areas.
 - (2) Food service and vending machines inside a building for tenants only.
 - (3) Private garages for motor vehicles.
 - (4) Apartment for maintenance personnel.
 - (5) Low-level exterior lighting.
 - (6) Radio, television or microwave antennae not exceeding 60 feet in height.
 - (7) Flagpoles.
 - (8) Cooling towers and other similar uses.
 - (9) A pharmacy where in retail sale only of prescription medicines.
 - (10) *Farmers' markets.*
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
 - (11) *Mobile markets.*
 - a. See section 27-619 for additional mobile market regulations.
 - (12) *Mobile vending.*
 - a. See section 27-620 for additional mobile vending regulations.
- (b) In high-rise office structures in district O-0....
- (c) In the central business district uses as permitted in district O-1 are also permitted as accessory uses.
- (d) The accessory retail uses in district C-O shall be limited to no more than 20 percent of the gross building area.

27-612. – Districts C-0, C-1, C-D, C-2, and C-3.

In the nonretail business (C-0), limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

- (1) Those accessory uses permitted in district C-0.
- (2) Parking areas.
- (3) Storage buildings.
- (4) Signs as permitted by this article.
- (5) Floodlighting and other similar uses.
- (6) Exterior sales and vending on private property provided that:
 - a. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 1. The exterior sales or vending machines do not block an interior sidewalk.
 2. The exterior sales or vending machines do not block any exterior windows.
 3. The exterior sales or vending machines must be at least five feet away from all public doors.
 4. Exterior sales area and vending machines are only permitted on private property unless it complies with the street vending ordinance.
 5. The exterior sales or vending machines must leave adequate space for vending customers and those using the sidewalk.
 6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - i. The site does not have a drive-thru window or drive-up service.
 - ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - iii. The machine is located so as to not interfere with vehicular traffic.
 - iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - v. The area where the device is placed is monitored by a security camera.
 7. Any exterior sales area must remain neatly organized and free of litter.
 8. Any exterior sales or vending area must be flush with the facade of the building.
 9. No more than one exterior sales display or vending machine is permitted per property except as follows:
 - i. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - ii. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the ~~urban planning department~~ of planning and urban design then the number of allowed exterior sales displays and vending machines shall be increased to three.

- iii. For every 200 feet that the facade on which the exterior sales display or vending machine is located is set back from the nearest road or street right-of-way then the number of allowable exterior sales displays or vending machines shall be increased by one.
- 10. No additional signage that would require a permit is allowed.
- 11. The area allowed for exterior sales or vending may not exceed 24 square feet.
- 12. No more than one propane exchange locker may be allowed per property, unless:
 - i. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
- 13. No signage is allowed beyond the surface of the vending machine.
- b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
 - 1. Products that cannot be sold indoors for safety and regulatory reasons (e.g., propane exchange lockers).
 - 2. If the facility is a grocery store over 15,00 square feet.
- (7) Collection facilities are permitted for clothing or recycling provided:
- (8) *Farmers' markets.*
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of ~~urban~~-planning and urban design ~~land use~~ in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (9) Food truck and mobile vending.
 - a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of ~~urban~~-planning and urban design ~~land use~~ in this district. Food trucks or mobile food vendors that operate outside of the allowed zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 - 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - 3. Vendor does not install any permanent improvement on the sidewalk.
 - 4. Vehicle is not parked in a no-parking zone.
 - 5. Does not occupy parking required for other businesses.
 - 6. If in a metered spot, meter is paid.

7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- b. See section 27-619 for additional mobile market regulations.
- c. See section 27-620 for additional mobile vending regulations.

27-613. – Districts M-1, M-2, and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

- (1) Parking and loading areas.
- (2) Storage facilities.
- (3) Security and screen fencing.
- (4) Radio and microwave towers to heights as set out in this division.
- (5) Gatehouse.
- (6) Loading equipment.
- (7) Employee recreation and other similar uses.
- (8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.
- (9) *Farmers' markets.*
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of ~~urban-planning~~ and urban design ~~land-use~~ in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (10) Food truck and mobile vending.
 - a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of ~~urban-planning~~ and urban design ~~land-use~~ in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone.
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.

7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- b. See section 27-619 for additional mobile market regulations.
- c. See section 27-620 for additional mobile vending regulations.

27-614. – District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

- (1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C- D, C-2, and C-3 districts.
- (2) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the department of ~~urban-planning and urban design~~ land use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See section 27-618 for additional farmers' market regulations.
- (3) Food truck and mobile vending.
 - a. Food trucks and mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 3. Vendor does not install any permanent improvement on the sidewalk.
 4. Vehicle is not parked in a no-parking zone.
 5. Does not occupy parking required for other businesses.
 6. If in a metered spot, meter is paid.
 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- b. See section 27-619 for additional mobile market regulations.
- c. See section 27-620 for additional mobile vending regulations.

....

27-617. - Findings, Purpose, Applicability, and Enforcement

(a) Finding and Purpose. It is found and declared that:

- (1) Farmers' markets, mobile markets, and mobile vending may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, and mobile vending in all zoning districts is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.
- (2) Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, and mobile vending is necessary to protect the public health, safety, and welfare.

(b) Applicability and Enforcement

- (1) The amendments in sections 27-608—27-614, and sections 27-618—27-621 in totality, shall be suspended if it is determined under *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of *Restart WyCo*, among other ways. Farmers' markets, mobile markets, and mobile vending are allowed under this ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this ordinance shall supersede.
- (2) *Businesses*. Any persons or entity operating a farmers' market, mobile market, or other vending vehicle under this ordinance must conduct such operation under a valid and current business license (occupation tax receipt).
- (3) *Non-profits*. All non-profit organizations that operate a farmers' market, mobile market, or other vending vehicle must meet the following conditions:
 - a. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; and,
 - b. May set up a temporary structure for the purposes of distributing information. A non-profit organization may also take donations on-site.
- (4) All right-of-way permits otherwise required for work or activities allowed in this ordinance are waived.

- a. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
- b. No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.

(5) *Public health.*

a. *Power of local health officer.*

- 1. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3, sections 27-608—27-614, and sections 27-617—27-220.
- 2. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.
- 3. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Health and Environment regarding licensure and inspection of restaurants, street vendors, or food trucks.

(6) *Zoning and code enforcement.*

- a. Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.

27-618. - Farmers' markets.

Farmers' markets are allowed accessory uses, subject to the following conditions:

(1) *Applicability.* This section supersedes all other ordinances specifically regulating farmers' markets through ~~December 31, 2020~~ June 30, 2022.

- a. *Districts.* Farmers' markets are allowed to operate in any district without a special use permit, under the following conditions:
 - 1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.
 - 2. Hours of operation for the farmers' market begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.

(2) *Administrative Review*

- a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license.

- b. In conjunction with the business license application, the applicant must submit a site plan, including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the department of urban planning and urban design land use, demonstrating the location of the vending tents, parking spaces, and the use of physical space to encourage social distance where and when possible.

(3) Allowed Arrangements: All sales must occur in a designated parking lot.

Businesses may engage in outdoor sales, subject to the following conditions:

- a. The outdoor sale must operate as an open-air market.
- b. Any items regularly or typically for sale inside the business premises are allowed to be brought outside. displayed for sale, and sold, under the following conditions:
 - 1. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times: and
 - 2. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
- c. Any retail that is allowed under another section of the Code of Ordinances. subject to all regulations under this ordinance.

(4) Allowed areas.

- a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following conditions:
 - 1. Written permission of the parking and/or property owner(s).
 - 2. All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity.
 - 3. Any additional regulations to improve traffic flow, as required by engineers in the department of planning and urban design nor the department of public works.
- b. No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.
- c. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.

(5) Social distancing.

- a. The farmers' market applicant is responsible for ensuring compliance with any and all guidance from *Restart WyCo, Ad Astra: A Plan to Reopen Kansas*, and federal restrictions.
- b. In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:
 - 1. Ensure that customers or parties of customer s maintain at least six feet from each other while shopping.
 - 2. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.

3. Consumption of purchased food on site should not be encouraged.
- (6) Temporary structures.
- a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.
 1. "Pop up" tents are allowed only in surplus off-street parking spaces.
 - b. No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
 - c. Temporary structures may be erected in the parking lot up to one hour before the start of hour of operations as allowed in this section (or the start of hours of operation as proposed in the farmers' market application, whichever is later). Temporary structures may be erected in the parking lot up to one hour after the end of hour of operations as allowed in this section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).
 - d. No temporary structures may be erected in the right-of-way or used in a manner that violates any other ordinance in the Code.
 - e. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 1. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 2. Signs cannot be attached to public infrastructure.
 3. Sandwich boards allowed in all districts, subject to all other sign code regulations.

27-619. – Mobile markets.

Mobile markets are allowed accessory uses, subject to the following conditions:

- (1) Mobile markets are allowed upon in any district upon obtaining a business license.
- (2) Locations must invite the mobile market to park at their lot.
- (3) Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.
- (4) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - a. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - b. Vehicle is not parked within 100 feet of a single-family home.
 - c. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - d. Vendor does not install any permanent improvement on the sidewalk.
 - e. Vehicle is not parked in a no-parking zone.

- f. Does not occupy parking required for other businesses.
- g. If in a metered spot, meter is paid.
- h. Mobile markets may not park for more than four hours at any one location.
- i. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
- j. No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.
- k. Mobile markets may operate from 8:00 a.m.–7:00 p.m. Sunday-Thursday, and 8:00 a.m.–8:00 p.m. Friday and Saturday.
 - 1. If a mobile market is invited to a permitted block party, hours of operation may be extended until 10:00 p.m., regardless of the day of the week.
- l. Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).

27-620. – Mobile vending.

Mobile vending is allowed accessory uses, subject to the following conditions:

- (1) This section does not govern mobile markets and mobile markets vehicles as defined by sections 27-340 and 27-618.
- (2) Vending vehicles are allowed in this district upon obtaining a business license.
- (3) *Parking.*
 - a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection.
 - b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.
 - c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
 - d. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 - e. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing auto mobile traffic.
 - f. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.
- (4) *Allowable zoning districts.*
 - a. *All districts.*

1. Vending vehicles are allowed to operate under this subsection in any zoning district.
 2. Zoning districts allowed for vending vehicles by UG ordinances outside the ordinance from which these sections derive will operate under both sets of ordinances. If there is a conflict in law, this article shall supersede.
 - b. *Agriculture zoned districts and residential areas.* Vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9:00 a.m. to 8:00 p.m. and one of the following conditions are met:
 1. The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10:00 p.m. or the end of the event, whichever is earlier; or
 2. The vending vehicle is operating in the parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or
 3. On the right-of-way adjacent to a public park, subject to all other parking regulations in this article.
 - c. *Commercial and industrial zoned districts.*
 1. *Parking.* Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:
 - (i) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.
 2. Hours of operation. Hours are from 9:00 a.m. to 10:00 p.m.
- (5) Signage.
- a. Sandwich boards are allowed in all commercial zoned districts, so long as they are placed within five feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In no circumstance can a sandwich board be placed more than five feet closer to the street than the mobile vending vehicle.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

27-621. - Review and sunset.

- (a) The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be reviewed by the board of commissioners on or before ~~December 31, 2021~~ June 30, 2022 to determine whether they should be revised, repealed, or whether additional studies are warranted.
- (b) The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in

totality, shall be repealed and no longer in effect unless renewed by the board of commissioners on or before ~~to December 31, 2020~~ June 30, 2022.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF _____, 2021.

DAVID ALVEY, MAYOR/CEO

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Staff Request for Commission Action

Tracking No. 211096

Full Commission Meeting Date: 12/16/21

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/21
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/04/2021	<u>Contact Name:</u> J. Renee Ramirez	<u>Contact Phone:</u> x5665	<u>Contact Email:</u> rramirez@wycokck.org	<u>Department/Division:</u> Human Resources
<u>Item Description:</u> Request amendments to the Human Resources Guide relating to donated sick leave, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.				
<u>Action Requested:</u> To approve the amendment and new policy changes with an effective date of 01-01-2022.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Donated Sick Leave Resolution, Donated Sick Leave (revised 11 23 21 red-lined), Donated Sick Leave PowerPoint				

RESOLUTION NO. _____

**A RESOLUTION AMENDING SECTION 5.1 OF THE HUMAN
RESOURCES GUIDE OF THE UNIFIED GOVERNMENT REGARDING
SICK LEAVE, TO REORGANIZE AND CLARIFY THE DONATED SICK
LEAVE POLICY.**

WHEREAS, Pursuant to Section 2-103(12) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator has the authority to prepare for adoption those policies relating to the selection, discipline, dismissal and all other personnel related matters applicable to all employees of the Unified Government.

WHEREAS, the Unified Government has adopted those personnel policies and made them available to Unified Government employees in a document known as the Human Resources Guide (HRG).

WHEREAS, additions or amendments to the Human Resources Guide may be proposed from time to time, subject to adoption by the Unified Government Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That Section 5.1 of the Unified Government Human Resources Guide regarding sick leave is amended to clarify the provisions regarding donated sick leave is adopted as attached.

Section 2. The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. This policy shall take effect and be in full force on January 1, 2022.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY
OF _____, 2021.**

Approved:

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



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SICK LEAVE

- I. General: It is the policy of the Unified Government to allow full-time and part-time A employees to accrue and use sick leave in order to protect them from a loss of pay due to illness.
- II. Policy
 - A. Accruing sick leave
 1. Accruing by Categories
 - a. Category 1 Employees:
 - (1) Full-time employees accrue sick leave time at the rate of 1 1/4 days (10 hours) for each minimum month of service.
 - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (5 hours) for each minimum month of service.
 - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
 - b. Category 2 Employees:
 - (1) Full-time employees accrue sick leave time at the rate of 1 day (8 hours) for each minimum month of service.
 - (2) Part-time A employees accrue sick leave time at the rate of one-half the full-time rate (4 hours) for each minimum month of service.
 - (3) Part-time B, temporary, and summer employees do not accrue sick leave.
 2. Accumulating sick leave
 - a. Sick leave is accrued on a monthly basis with no maximum on total accumulation.
 - b. Employees who are recalled to Unified Government employment will be credited with any accrued, unused and unpaid sick leave which existed on the Date of Separation. Only recalled employees are eligible for such reinstatement of sick leave. (See 2.11—Breaks in Employment.)
 3. The effect of absence on accruing sick leave
 - a. Sick leave days are not accrued for a calendar month in which the employee:
 1. Is on unpaid leave of absence.
 2. Does not work a minimum month.



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3. Is being “docked” (not paid) because of insufficient accumulated sick leave.
 4. Is on an unpaid suspension.
 - b. Sick leave continues to be accrued at the usual rate during paid absences, i.e. vacation, sick leave, jury service, or being off work due to a bona fide job-related injury.
 4. Effect of change in employee status on accruing sick leave
 - a. An employee who transfers to part-time B or to temporary or summer employment will not accrue sick leave as of the date of transfer. The employee will not lose previously accrued and unused sick leave.
 - b. The part-time B, temporary or summer employee who transfers to full-time or part-time A status will begin to accrue sick leave as of the date of transfer.
 - c. An employee who transfers positions or employee status during employment will remain in the same category as the original hire date. Therefore, the employee hired as Category 1 will remain as Category 1 with the exception of Summer/Seasonal employees and Temporary employees.
 - d. An employee who was re-hired after a break in employment will be considered a new hire in Category 2.
 5. Sick leave apportionment earned for a given month will be credited as of the last calendar day of the month of which it was earned. There will be no advancement of sick leave credit. The Unified Government does not allow the use of sick leave before it is accrued.
- B. Using sick leave
1. Sick leave uses:
 - a. Accrued and accumulated sick leave time may be used by employees for:
 - (1) personal disability, personal illness, or physical incapacity of the employee or his or her dependents who require his or her personal care and attention;
 - (2) appointments for medical and dental care for the employee or his or her dependents who require his or her personal care and attention;
 - (3) enforced quarantine of the employee in accordance with health regulations;



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- (4) all or part of the 12-week or 26-week (service member care) entitlement under the Family and Medical Leave Act.
 - (5) An addition to Funeral Leave, for death of immediate family member, at department head's discretion.
 - b. Sick leave may be used in increments of one-fourth hour.
 - c. Sick Leave as Personal Leave (See 5.4—Personal Leave)
 - (1) Regular full-time employees may convert up to 24 hours (part-time A employees, 12 hours) of sick leave to personal leave per calendar year; such leave must be approved by the department in advance, except in cases of emergencies. Personal leave should be recorded and subtracted from sick leave balances. Unused personal leave continues to accrue in the form of sick leave.
 - (2) Sworn Police, Sheriff and Fire Command
 - a. Category 1 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed five days and will be charged to the individual officer's accumulated sick leave.
 - b. Category 2 Sworn Police, Sheriff and Fire Department Command Officers may at the Chief's/Sheriff's discretion take a personal leave with pay. This personal leave shall not exceed three days and will be charged to the individual officer's accumulated sick leave.
 - d. Sick leave or personal leave shall not be used for the purpose of extending the length of employment beyond the final day of work except in the case when an employee is awaiting approval of KPERS/KP&F disability retirement. Refer to 3.3—Separation from Employment.
 - e. Absence due to job-related illness or injuries sustained in the line of duty shall not be charged against the employee's accrued sick leave until after Injury Leave payments and any applicable Workers' Compensation benefits have been exhausted.
 - f. Employees on sick leave, injury leave, or FMLA for their own serious illness are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.
- 2. Documentation of sick leave use
 - a. As a general rule, the employee who has taken sick leave of three days or more due to illness or injury that is not job-related will be required to



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furnish to the director of his/her department a statement from a duly-licensed health practitioner, stating

- (1) the nature of the illness or injury treated, and
 - (2) the period of time the patient was or is unable to work. If it is necessary for the employee to remain off work, the health practitioner is to state the probable length of time involved.
- b. Failure to provide documentation may result in the employee being sent home without pay until the receipt of such documentation.
 - c. Documentation of sick leave use while on FMLA must follow section 5.6 – Family & Medical Leave.
 - d. Nothing in this section shall prevent the department head from requiring a health practitioner's statement for two days or more of sick leave, or even one day when abuse of sick leave is suspected.

Abuse of sick leave is defined as using sick leave for any other purpose other than defined in II.B.1. of this policy.
 - e. In addition to any medical examination secured by the employee, the department head has the authority to require the employee to submit to examination, at Unified Government expense, by a second health practitioner as a condition of receiving or continuing to receive sick leave. An employee who refuses to submit to such examination and diagnostic tests shall forfeit all rights to sick leave.
 - f. All medical information should be filed separately from the employee's personnel file.
 - g. Long-term uses of sick leave: medical reports to the department may be required every 30 days.
 - h. Payroll is to be notified when an employee is using sick leave for a disability, in order that KPERS can be notified.

3. The granting of sick leave

Providing the above conditions are met, the department head is authorized to grant use of sick leave. In a situation where sick leave has been exhausted, department heads have the discretion to allow employees to use other paid time (vacation, comp time, etc.) for sick leave; this paid time shall still be counted as an occasion of sick leave use. If no other paid time exists, employees will be docked and this will count as an occasion of sick leave use.

C. Excessive sick leave

1. Excessive sick leave is defined as:



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- a. having had seven or more occasions of sick leave use (three or more occasions for Part-time A), during any 12-consecutive-month-period; or
 - b. having had three or more occasions of sick leave use, immediately before or immediately after his or her regular days off, vacation days, holidays, or any paid leave of absence, including personal leave; during any 12-consecutive-month-period; or
 - c. having failed to submit required documentation of sick leave use on more than one (1) occasion in a 12-month period.
2. An occasion of sick leave use is defined as a continuous period of absence from work for a permissible sick leave use. It may be a portion of a day, a day, or a number of days.
 3. When the full time employee is absent from work for four (4) hours or less (part-time A is absent from work for two (2) hours or less) for a prearranged doctor's appointment, it shall not be considered an occasion of sick leave use for the purpose of identifying excessive users.
 4. Rules concerning employees placed in the excessive sick leave user category:
 - a. The employee is placed in the excessive sick leave user category effective the date of the occasion of sick leave that triggered his or her being categorized as an excessive user.
 - b. During the 12-consecutive-month period following the date the employee was placed in the excessive sick leave user category, the employee must furnish a statement from a physician to his/her supervisor on each occasion the employee uses sick leave. The statement must contain:
 - (1) the physician's report as to the cause for the employee's absence, and the treatment being provided,
 - (2) the probable length of time of the necessary sick leave, and
 - (3) the physician's statement that the employee was unable to work the day that he or she was absent.
 - c. If the employee does not furnish a physician's statement as provided, he or she shall receive the following discipline:
 - (1) Non-exempt
 - 1st offense—one work day suspension without pay
 - 2nd offense—three work days suspension without pay
 - 3rd offense—termination
 - (2) Exempt



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1st offense—one week suspension without pay

2nd offense—termination

- d. The “excessive user” employee may be subject to termination if he or she:
 - (1) Uses sick leave (or other paid time off or docked time in lieu of sick leave) on five or more occasions, or
 - (2) Uses two or more sick leaves (or other paid time off or docked time in lieu of sick leave) immediately before or immediately after his regular days off, vacation days, holidays, or any paid leave of absence.
- e. Physician statements do not excuse absences, and the absence will still count towards an occasion.
- f. Occasions of sick leave that qualify under the Family and Medical Leave Act and are certified by a health care provider as an FMLA qualifying event shall not be considered for the purpose of identifying excessive users.

D. Sick leave buy back

- 1. Subject to annual funding of the sick leave buy back program, the Unified Government may offer a sick leave buy back program allowing eligible employees the opportunity to purchase a limited portion of the employee’s accumulated sick leave balance based on the number of sick days used in a 12-month period from November 1 of the previous year through October 31 of the current year. (See chart below.)
- 2. The determination of whether to offer the sick leave buy back program and the maximum number of days to be purchased will be made annually by the Commission. Sick leave buy back is only available in the amount approved annually by the Commission. The sick leave buy back program shall be uniformly applicable to all employees covered by this policy. Individual departments may not grant this benefit to employees unless the program has been approved for all Unified Government employees.
- 3. Compensation for the buy back shall be at the employee's rate of pay on December 1st of that year and shall be paid in the first pay period of December.
- 4. Partial days taken shall be calculated according to the chart below.

Full-Time Employees:

Sick Days Used

0 (0 hours)

Maximum Days Sold
to Unified Government

5



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1 (0.25 – 8.0 hours)	4
2 (8.25 – 16.0 hours)	3
3 (16.25 – 24.0 hours)	2
4 (24.25 – 32.0 hours)	1

Part-Time A Employees:

<u># Sick Hours Used</u>	<u>Maximum Days Sold to Unified Government</u>
0 hours	2.5
0.25 - 4.0 hours	2.0
4.25 - 8.0 hours	1.5
8.25 - 12.0 hours	1.0
12.25 - 16.0 hours	0.5

5. Eligibility

- a. Employees must have at least 240 hours of banked sick leave in order to be eligible for the buy back program.
- b. New hires in their probationary periods are not eligible for the buy back program.
- c. Employees who have taken personal leave are still eligible for the buy back program.
- d. Employees who have taken more sick leave hours than the number of days approved by the Commission for the sick leave buy back program, including sick leave taken under FMLA, are not eligible for the buy back program.

E. Donated Sick Leave

1. ~~An employee may donate up to 40 hours per calendar year of sick leave to employees who have a catastrophic or life threatening illness and have exhausted all paid leave time. The donating employee must have at least 100 hours of sick leave accrual remaining after the donation.~~
2. ~~Donated sick leave will not be converted into any other compensation and will not be paid out upon separation. Donated sick leave will be distributed on a first come, first serve basis depending upon the date the request for donated hours is received. If no sick leave hours are available, a request will be sent to Unified Government employees asking for donations. If sufficient number of hours is not donated, the requesting employee may apply for unpaid leave of absence. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay).~~



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- ~~3. Employees on workers' compensation injury leave are not eligible for donated sick leave. The employee requesting sick leave must not have been suspended or placed in the "excessive use of sick leave" category for violation of the sick leave policy in the previous twelve (12) months. The employee requesting sick leave must show a historical pattern of prudent use of sick leave by having accumulated at least 120 hours of sick leave in his/her sick leave bank prior to his/her illness.~~
- ~~4. The employee receiving sick leave donations must have been employed by the Unified Government for a minimum of five years prior to being eligible for sick leave donations.~~
- ~~5. Donations and requests should be made on forms completed and signed by the donor or requesting employee and turned into Human Resources. Human Resources staff will administer the program and determine eligibility based upon the criteria stated in this policy. Human Resources staff will consult with the employee's department head regarding the request and grant the number of hours needed each payroll period to those eligible employees. All rules and regulations requiring privacy of personal health information will be followed per HIPPA.~~
- ~~6. Employees may receive donated sick leave for up to six (6) months. Additional time may be granted at the discretion of the department head and County Administrator.~~

E. Donated Sick Leave

1. Employees with a balance of 140 hours or more of accrued sick leave may donate up to 40 hours of sick leave and employees with a balance of 580 hours or more of accrued sick leave may donate up to 80 hours of sick leave per calendar year for use by eligible employees. Sick leave will be donated to a general sick leave bank for use by eligible employees on a first-come, first-served basis. An employee can donate sick leave by submitting a completed donation of sick leave form to Human Resources. The donation is subject to review and approval by the Director of Human Resources or his or her designee.

2. Definitions

- a. Life threatening or catastrophic illness or injury – A severe illness or injury that poses a significant threat of death or residual disability and requires prolonged hospitalization or recovery. Examples of illnesses or injuries that, depending on the circumstances, may be considered life threatening or catastrophic include brain and spinal cord injuries, cancer, stroke, heart attack, organ failure, coma, and sepsis.
- b. Serious medical condition – An illness or injury that is debilitating or incapacitating or whose treatment is debilitating or incapacitating and that requires hospitalization or extended recovery lasting 14 days or more during which the employee is unable to work. The following are not considered serious medical conditions:



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- Common infections and infectious diseases (e.g., rhinovirus, sinusitis, influenza, norovirus, etc.), unless unusually severe or accompanied by serious complications
- Seasonal or common allergies
- Common musculoskeletal ailments (including muscle aches and sprains, joint sprains, neck and back pain, leg sprains, osteoarthritis, and the like) that are treated non-surgically
- Ordinary life or workplace stress
- Any medical condition for which treatment reasonably can be deferred until the employee can accumulate needed sick leave.

The Director of Human Resources or his or her designee has discretion in determining whether an illness or injury meets these definitions. An employee may appeal the Director of Human Resources's determination to the County Administrator, whose decision will be final.

3. Eligibility

- a. An employee who has a life threatening or catastrophic illness or injury or is needed to care for his or her minor child who has a life threatening or catastrophic illness or injury is eligible to receive donated sick leave if the employee:
 - (1) Has worked for the Unified Government for at least one year;
 - (2) Has not been placed in the excessive use of sick leave category in the previous 24 months; and
 - (3) Has exhausted all accrued leave.
- b. An employee who suffers a medical emergency or who has been diagnosed with a serious medical condition is eligible to receive donated sick leave if he or she:
 - (1) Has worked for the Unified Government for at least five years;
 - (2) Has not been placed in the excessive use of sick leave category in the previous 24 months; and
 - (3) Has exhausted all accrued leave.

4. Conditions and limitations

- a. A Request for Sick Leave Donations form and a certification from a medical provider must be submitted to Human Resources by or on behalf of the employee requesting donated sick leave. The submission is subject to review and approval by the Director of Human Resources or his or her designee.
- b. Leave in the donated sick leave bank will be distributed on a first-come,



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first-served basis depending upon the date the request for donated hours is received. If no sick leave hours are available, a request will be sent to Unified Government employees asking for donations. The requesting employee may apply for an unpaid leave of absence if sufficient hours are not donated. (See Human Resources Guide Policy 5.11 Leaves of Absence Without Pay.)

- c. Donated sick leave must be used on a continuous basis and is not available for intermittent use.
- d. Donated sick leave will be paid at the recipient's rate of pay. Unless the law provides otherwise, payments for use of donated sick leave will be treated as wages of the recipient for the purposes of FICA, FUTA, income tax, and other withholding.
- e. Donated sick leave will not count towards the minimum month for accrual of sick leave or vacation leave.
- f. Donated sick leave may be used only by the employee receiving it and only for its intended purpose.
- g. Unused donated sick leave will not be returned to the donating employee.
- h. Donated sick leave will not be converted into any other compensation and will not be paid out upon separation or retirement.
- i. This donated sick leave policy does not apply to any member of a bargaining unit whose memorandum of agreement with the Unified Government includes a provision for donated sick leave.
- j. Employees on workers' compensation injury leave or injury on duty leave are not eligible for donated sick leave.
- l. An employee may receive donated sick leave for up to six months. The employee will be required to provide updated medical documentation on the need for continued leave every 30 days. In extraordinary circumstances, up to 60 days of additional time to receive or use leave may be granted at the discretion of the County Administrator.

F. Separation from employment

- 1. Upon voluntary separation, retirement, or death, an eligible employee will be paid in an amount equal to his or her accumulated sick leave based on the employee's fixed salary at the time of separation. Maximum payout based on years of service is as follows:
 - a. Voluntary separation for Category 1 employees:
 - 0 - 4 years service - 0 days
 - 5 - 9 years service - 40 days
 - 10 or more years service - 60 days



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- b. Category 2 employees with at least 10 years of service are eligible to be paid out 25% of unused sick leave with a maximum payout of 30 days.
- c. Category 1 employees: Full retirement or death:
 - Non-sworn personnel - 90 days
 - Sworn personnel - 120 days
- d. Category 2 employees at full retirement or death are eligible to be paid out 50% of unused sick leave with a maximum payout of 60 days.

The amount paid to the employee is computed by taking 1/30 of the employee's monthly compensation and multiplying that amount by the number of accumulated sick leave days to which the employee is entitled to be paid under this policy.

- 2. Former exempt KCK employees will not be eligible for any sick leave payout upon separation until he/she has completed the comp time phase out program. See 3.4—Overtime/Compensatory Time.
- 3. Ineligible for payment for sick leave are:
 - a. the employee who is terminated from employment as a result of a disciplinary action, and
 - b. the employee who resigns and fails to give two weeks notice of separation.
- 4. Former KCK exempt employees shall not be paid out upon separation for both comp time and sick leave except at retirement or death.
- 5. Under no circumstances will an employee be paid more than the maximum payout stated.

RELATED FORM(S): Leave Request Form (non-FMLA)
 Sick Leave Buy Back Request
 Sick Leave Buy Back Summary

DONATED SICK LEAVE PROGRAM



CURRENT POLICY

- Employees may donate up to **40** hours per year as long as they have 100 hours of sick leave accrual remaining after the donation.
- Eligibility requirements:
 - Own catastrophic or life-threatening illness;
 - Employed by the UG for a minimum of 5 years;
 - Employee must have accumulated at least 120 hours of sick leave in his/her sick leave bank prior to illness;
 - Must not have been suspended or placed in the “excessive use of sick leave” category

AMENDMENTS TO POLICY

- Employees with a balance of 140 hours or more of accrued sick may donate up to **40** hours per calendar year.
- Employees with a balance of 580 hours or more of accrued sick leave may donate up to **80** hours per calendar year.

AMENDMENTS TO POLICY CONTINUED....

- **Eligibility requirements:**

- An employee who has a life threatening or catastrophic illness or injury or is needed to care for his or her minor child who has a life threatening or catastrophic illness or injury is eligible to receive donated sick leave if the employee:
 - Has worked for the UG for at least one year;
 - Has not been placed in the excessive use of sick leave category in the previous 24 months; and
 - Has exhausted all accrued sick leave and compensatory time.

AMENDMENTS TO POLICY CONTINUED....

- **Definition:**
 - **Life threatening or catastrophic illness or injury** – A severe illness or injury that poses a significant threat of death or residual disability and requires prolonged hospitalization or recovery. Examples of illnesses or injuries that, depending on the circumstances, may be considered life threatening or catastrophic include brain and spinal cord injuries, cancer, stroke, heart attack, organ failure, coma, and sepsis.

AMENDMENTS TO POLICY CONTINUED....

- **Eligibility requirements:**
 - An employee who suffers a medical emergency or who has been diagnosed with a **serious medical condition** is eligible to receive donated sick leave if he or she:
 - Has worked for the UG for at least five years;
 - Has not been placed in the excessive use of sick leave category in the previous 24 months; and
 - Has exhausted all accrued sick leave and compensatory time.

AMENDMENTS TO POLICY CONTINUED....

- **Definition:**

- **Serious medical condition** - A physical or mental illness or injury that is debilitating or incapacitating or whose treatment is debilitating or incapacitating and that requires hospitalization or extended recovery lasting 14 days or more during which the employee is unable to work. The following are not considered serious medical conditions:
 - Common infections and infectious diseases (e.g., rhinovirus, sinusitis, influenza, norovirus, etc.), unless unusually severe or accompanied by serious complications
 - Seasonal or common allergies
 - Common musculoskeletal ailments (including muscle aches and sprains, joint sprains, neck and back pain, leg sprains, osteoarthritis, and the like) that are treated non-surgically
 - Ordinary life or workplace stress
 - Any medical condition for which treatment reasonably can be deferred until the employee can accumulate needed sick leave

CONDITIONS AND LIMITATIONS

- Donated sick leave must be used on a continuous basis and is not available for intermittent use.
- Donated sick leave will not count towards the minimum month for accrual of sick leave or vacation leave.
- Unused donated sick leave will not be returned to the donating employee.
- This donated sick leave policy does not apply to any member of a bargaining unit whose memorandum of agreement with the UG includes a provision for donated sick leave.
- Employee may receive donated sick leave for up to six months. The employee will be required to provide updated medical documentation on the need for continued leave every 30 days. In extraordinary circumstances, up to 60 days of additional time to receive or use leave may be granted at the discretion of the County Administrator.



Staff Request for Commission Action

Tracking No. 211223

Full Commission Meeting Date: 12/16/21

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/21
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/24/2021	<u>Contact Name:</u> J. Renee Ramirez	<u>Contact Phone:</u> x5665	<u>Contact Email:</u> rramirez@wycokck.org	<u>Department/Division:</u> Human Resources
<u>Item Description:</u> Request to add a new policy on paid childbirth and parental leave to the Human Resources Guide, submitted by J. Renee Ramirez, Director of Human Resources; Bonnie Bloesser, Sr. HR Partner; and Courtney Sachen, HR Partner.				
<u>Action Requested:</u> To approve resolution on new policy.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Paid Childbirth and Parental Leave Resolution, UG Paid Childbirth Parental Leave policy (FINAL)_sf_110321 (HEC edit 11 17 21) (003) (2), Childbirth & Parental Leave PowerPoint				

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A NEW POLICY UNDER SECTION 5 OF
THE HUMAN RESOURCES GUIDE OF THE UNIFIED GOVERNMENT,
PROVIDING FOR PAID CHILDBIRTH AND PARENTAL LEAVE FOR
UNIFIED GOVERNMENT EMPLOYEES.**

WHEREAS, Pursuant to Section 2-103(12) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator has the authority to prepare for adoption those policies relating to the selection, discipline, dismissal and all other personnel related matters applicable to all employees of the Unified Government.

WHEREAS, the Unified Government has adopted those personnel policies and made them available to Unified Government employees in a document known as the Human Resources Guide (HRG).

WHEREAS, additions or amendments to the Human Resources Guide may be proposed from time to time, subject to adoption by the Unified Government Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the new Policy 5.13 of the Unified Government Human Resources Guide is adopted as attached.

Section 2. The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. This policy shall take effect and be in full force on January 1, 2022.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY
OF _____, 2021.**

Approved:

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Unified Government Human Resources Guide

Effective DRAFT REVISION

Paid Childbirth and Parental Leave

- I. General: Paid childbirth leave is available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Paid parental leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care. These benefits are separate from leave under the Family and Medical Leave Act (FMLA) but will run concurrently with FMLA leave.
- II. Policy
 - A. Paid childbirth leave
 1. Full-time employees who give birth to a child or children are eligible for up to 240 hours of paid leave following delivery. Part-time A employees who give birth are eligible for up to 120 hours of paid leave following delivery.
 2. Paid childbirth leave begins on the day of delivery and must be taken continuously.
 3. An employee should notify her department that she will be taking leave for childbirth at least 30 days before the anticipated delivery date.
 - B. Paid parental leave
 1. Eligibility
 - a. Full-time or Part-time A employees are eligible for paid parental leave following a qualifying event. An employee need not be eligible for leave under the FMLA to use paid parental leave.
 - b. Parents who are both eligible employees may each take the maximum amount of leave available under this policy for the same qualifying event; they are not required to share the paid leave.
 2. Definitions
 - a. “Child” means a biological, adopted, or foster child who is under age 18.
 - b. “Qualifying event” means the birth of the employee’s child or children or the placement of one or more children with the employee for adoption or foster care.



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3. Leave available

Paid parental leave is available to full-time and Part-time A employees as follows:

<u>Employee Status</u>	<u>Maximum per qualifying event</u>
Full-time	160 hours
Part-time A	80 hours

4. Use of leave

- a. Paid parental leave may be taken continuously or, with the approval of the department head, on an intermittent or reduced schedule basis.
- b. Employees may not use more hours of paid parental leave per day than they are normally scheduled to work.

5. Limitations on paid parental leave

- a. An employee may receive paid parental leave for only one qualifying event in a 12-month period.
- b. An employee may receive only one instance of paid parental leave per qualifying event. (For example, a full-time employee is eligible to receive 160 hours, not 320 hours, of paid parental leave following the birth of twins.)
- c. A child may be the subject of only one qualifying event. (For example, an employee who uses paid parental leave following the placement of a child with the employee for foster care is not eligible for paid parental leave if the employee later adopts the child.)
- d. Paid parental leave must be used within 16 weeks of the qualifying event. Leave not used within 16 weeks is forfeited.
- e. Paid parental leave may not be taken beyond the life of the child or the end of the child's placement with the employee.
- f. The following employees are ineligible for paid parental leave:
 - (1) Surrogate mothers and sperm donors.
 - (2) Employees who elect to give up their newborn child for adoption.



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Effective DRAFT REVISION

(3) Employees who adopt a stepchild.

6. Requests for leave

- a. Human Resources is responsible for determining an employee's eligibility for paid parental leave and for approving the leave.
- b. An employee must submit a completed Request for Paid Parental Leave form to Human Resources at least 30 days before the anticipated qualifying event. If the completed form cannot be submitted 30 days in advance, it must be submitted as soon in advance as possible.
- c. An employee may be required to submit documentation substantiating the reason for the leave. The documentation required will be determined by Human Resources.

7. Notification to department

- a. Upon submitting a Request for Paid Parental Leave form to Human Resources, an employee must notify his or her department of the request for paid parental leave.
- b. If taking paid parental leave on an intermittent or reduced schedule basis, an employee must submit a proposed leave schedule to his or her supervisor for approval before beginning paid parental leave. If the supervisor does not approve the schedule, the supervisor and employee should work together to come to a mutually acceptable schedule.

C. Compensation

1. Childbirth and parental leave will be paid at the employee's base salary or hourly rate of pay.
2. Paid childbirth and parental leave will not count as hours worked for purposes of calculating overtime.
3. Paid childbirth and parental leave will count towards the minimum month worked.
4. Employees using paid childbirth or parental leave will continue to accrue vacation and sick leave.



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5. Official holidays will not be counted against paid childbirth or parental leave.

D. Relationship to FMLA and other leave policies

1. Paid childbirth and parental leave will run concurrently with FMLA leave.

2. Employees are not required to exhaust other available leave (e.g., vacation or sick leave) to use paid childbirth or parental leave.

E. Separation or retirement

Employees will not be paid for unused childbirth or parental leave upon separation from employment or retirement.

F. Effective date

Paid childbirth and parental leave will be available for births or, in the case of paid parental leave, for placements for adoption or foster care that occur after January 1, 2022.

PAID CHILDBIRTH AND PARENTAL LEAVE POLICY



PAID CHILDBIRTH LEAVE

- Available to employees who give birth to a child or children to provide time for recovery from childbirth before returning to work. Separate from leave under FMLA but will run concurrently with FMLA leave
- Full-time employees eligible for 240 hours following delivery
- Part-time A employees eligible for 120 hours following delivery
- Begins on day of deliver and must be taken continuously

PAID PARENTAL LEAVE

- Paid leave is available to eligible employees to care for and bond with their child or children after birth or placement with the employee for adoption or foster care.
- Employee does not need to be eligible for FMLA in order to receive the paid parental leave
- Parents who are both eligible employees may each take the maximum amount of leave for the same qualifying event
- Full-time employees eligible for 160 hours per qualifying event
- Part-time A employees eligible for 80 hours per qualifying event

LIMITATIONS OF PAID PARENTAL LEAVE

- Paid parental leave available for only one qualifying event in a 12-month period
- Only one instance of paid parental leave per qualifying event (only receive 160 hours and not 320 hours if they have twins)
- A child may be the subject of only one qualifying event (paid parental leave provided for placement of child for foster care but an additional paid parental leave is not provided if the employee later adopts said child)
- Must be used within 16 weeks of the qualifying event. Leave is forfeited if not used within 16 weeks

FAMILY MEDICAL LEAVE AND OTHER LEAVE POLICIES

- Paid childbirth and parental leave will run concurrently with FMLA Leave
- Employees are not required to exhaust other available leave to use paid childbirth or parental leave
- Employees will not be paid out for unused childbirth or parental leave upon separation from employment or retirement



Staff Request for Commission Action

Tracking No. 211166

Full Commission Meeting Date: N/A

Committee: Administration & Human Services

Date of Standing Committee Action: 12/6/21
(If none, please explain): For information only.

Publication Required: No

<u>Date:</u> 11/04/2021	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> Presentation of the progress made on the implementation of the UG's new "Workday" Human Capital and Financial Management Solutions Project scheduled to "go live" June 30, 2022, submitted by ERP Executive Sponsors Alan Howze, ACA/Chief Knowledge Officer, Kathleen VonAchen, Chief Financial Officer, and Renee Ramirez, Human Resources Director. Presentation by Crystal Sprague and Gail Jones, Workday ERP Project Managers.				
<u>Action Requested:</u> For information only.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				