

## ORDINANCE NO. 1329

AN ORDINANCE REPEALING CHAPTER 8, ARTICLE 9 OF THE CODE OF THE CITY OF GIRARD, KANSAS AND AMENDING CHAPTER 8, ARTICLE 5 OF THE CODE OF THE CITY OF GIRARD, KANSAS BY DELETING SECTIONS 501 TO 519 AND ADDING SECTIONS 501 TO 505 PERTAINING TO PROPERTY MAINTENANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GIRARD, KANSAS:

### Section 1. Title.

This article shall be known as the Property Maintenance Code.

### Section 2. Adoption of the International Property Maintenance Code.

There is hereby incorporated by reference for the purpose of establishing standards for the protection of the public health, safety and welfare in all existing structures within the corporate city limits of the City of Girard, Kansas, that standard property maintenance code known as the International Property Maintenance Code, 2018 including Appendix A, as recommended by the International Code Council, 500 New Jersey Avenue, NW 6<sup>th</sup> Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified or changed. No fewer than one copy of such publication shall be marked or stamped "Official Copy as adopted by Ordinance No. 1329" and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient.

**State Law reference**— Incorporation of certain standards, model ordinances, codes, K.S.A. 12-3009 et seq.; adoption of codes by reference, K.S.A. 12-3301 et seq.

### Section 3. Amendments.

The International Property Maintenance Code, adopted by section 8-501, is hereby changed, altered, modified and otherwise amended as follows:

- (1) Section 101.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 101.1 Title.* These regulations shall be known as the International Property Maintenance Code, of the City of Girard, Kansas, hereinafter referred to as the International Property Maintenance Code or "this code."

- (2) Section 102.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 102.1 General.* When there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Conflicts between this article with a provision of any other ordinance or code of the city existing on the effective date of this article

which establishes a lower standard, the provisions of this article shall be deemed to prevail and such other laws or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code. Conflicts between the provisions of this code and with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of this article, the provisions shall prevail which establishes the higher standard.

- (3) Section 102.3 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 102.3 Application of other codes.* Repairs, alterations, additions to a structure, or changes of occupancy, shall be done in accordance with the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Existing Buildings, Fire or National Electrical Codes as applicable and as adopted by the City of Girard, Kansas.

- (4) Section 103.5 of the International Property Maintenance Code setting fees for services performed is hereby deleted.
- (5) Section 104.3 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 104.3. Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of the code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the *structure* or *premises* and request entry. It shall be a violation of the code to deny the *code official* the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if compliance to this code exists.

- (6) Section 106.4 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 106.4 Penalty.* Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed six months, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

- (7) Section 106.5 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 106.5 Abatement of violation.*

- (8) Section 111.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 111.1 Application for appeal.* Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to request in writing a

hearing before the governing body. Such a request must be filed with the *code official* or city clerk within ten 10 days after the decision, notice, or order was served. Failure to make a timely request for hearing shall constitute a waiver of the person's right to contest the finding of the code official before the governing body. A written request for hearing shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the is code do not fully apply, or the requirement of this code are adequately satisfied by other means.

- (9) Sections 111.2, 112.1, 111.2.2, 111.2.3, 111.2.4, 111.2.4, 111.2.5 of the International Property Maintenance Code are hereby deleted.
- (10) Section 111.3 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 111.3 Notice of Meeting.* Notice of the date for the hearing shall be sent to the requestor at least 7 days prior to the hearing.

- (11) Sections 111.5, 111.6, 111.6.1, and 111.6.2 of the International Property Maintenance Code are hereby changed to substitute "*Governing Body*" for "*board*".
- (12) Section 112.4 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 112.4 Failure to Comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

- (13) Section 302.4 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 302.4 Weeds. Premises and exterior property* shall be maintained free from weeds in excess of eight (8) inches in height. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (14) Section 304.14 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 304.14 Insect Screens.* During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where

products used in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch.

- (15) Section 304.18.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 304.18.1 Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 702.3.

- (16) Section 403.6 is hereby added to the International Property Maintenance Code as incorporated and shall read as follows:

*Section 403.6 Basements.* Basements of any dwelling shall be reasonably dry and ventilated and free from rubbish accumulation.

- (17) Section 404.4.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 404.4.1 Room Area.* Every habitable room shall contain at least 70 square feet.

- (18) Section 404.5 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 404.5 Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

- (19) Sections 404.5.1 and 404.5.2 of the International Property Maintenance Code are hereby deleted.

- (20) Section 502.4.1 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 502.4.1 Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities within drinking or dining establishments or wholesale or retail grocery stores shall not be located in toilet rooms or bathrooms.

- (21) Section 602.3 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 602.3 Heat Supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

- (22) Section 602.3.1 is hereby added to the International Property Maintenance Code as incorporated and shall read as follows:

*Section 602.3.1 Heating Equipment.* Heating equipment must comply with the manufacturer's intended use and must be installed according to manufacturer's instructions.

(23) Section 602.4 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 602.4 Occupiable work spaces.* Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

*Exceptions:*

- a. Processing, storage and operation areas that require cooling or special temperature conditions.
- b. Areas in which persons are primarily engaged in vigorous physical activities.

(24) Section 604.2 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 604.2 Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code as adopted in Section 4-302 of the city Code of Ordinances. Dwelling units shall be served by a three wire, 120/240-volt, single phase electrical service having a rating of not less than 100 amperes.

(25) Section 702.4 of the International Property Maintenance Code is hereby changed to read as follows:

*Section 702.4 Emergency escape openings.* Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

*Exception:*

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code.

An approved emergency escape or rescue window shall have a minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

(26) Section 702.5 is hereby added to the International Property Maintenance Code as incorporated and shall read as follows:

*Section 702.5. Fire wall for attached garages or non-dwelling areas.* All non-dwelling occupancies shall be separated from the dwelling unit by a fire-resistant wall and if the dwelling and garage are covered by a common or connecting roof, then the ceiling also must have a fire resistance rating of not less than one hour as defined in the building code.

Section 4. Blighted premises.

The code official, or five citizens may petition in writing, that if the appearance of a residential, vacant or non-residential premise is not commensurate with the character of the properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:

- (1) Dead trees or other unsightly growth,
- (2) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, inadequate drainage,
- (3) Violation of any other law, or regulations relating to the use of land and the use and occupancy of the buildings and improvements.

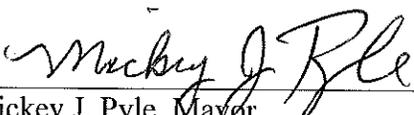
Notice and order procedures as outlined in section 107 and penalties as outlined in section 106.4 as amended of the International Property Maintenance Code as incorporated are applicable hereto.

Section 5. Costs Assessed.

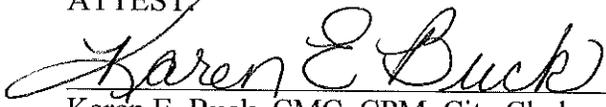
If the City abates a codes violation, the cost of abatement shall be charged against the lot or parcel of ground on which the code violation was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

Section 5. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF APRIL OF THE YEAR 2019.

  
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Mickey J. Pyle, Mayor

ATTEST:

  
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Karen E. Buck, CMC, CPM, City Clerk