

(Summary Published in the Leavenworth Times on January 20, 2024)

ORDINANCE NO. 8231

AN ORDINANCE AMENDING ARTICLE X (PROPERTY MAINTENANCE) OF CHAPTER 10 (BUILDINGS AND CONSTRUCTION) ADOPTING AND AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Article X of Chapter 10 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

ARTICLE X. PROPERTY MAINTENANCE

DIVISION 1. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 10-446. International Property Maintenance Code adopted.

The city has adopted the ICC International Property Maintenance Code, 2018 edition, including appendix A (the "International Property Maintenance Code", the "IPMC", or "code"), which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-447—10-457. Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED PROPERTY MAINTENANCE CODE

Sec. 10-458. Amendments to IPMC; generally.

The amendments to the adopted International Property Maintenance Code are as provided in this division. All references to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the International Property Maintenance Code," unless clearly indicated in the contrary.

Sec. 10-459. Amendments to IMPC Section 101; general.

Section [A] 101.1 of the IPMC, as adopted by the city, is hereby amended to read as follows:

Section [A] 101.1 Title. These regulations shall be known as the "International Property Maintenance Code" of The City of Leavenworth, hereinafter referred to as "this code".

Sec. 10-460. Amendments to IPMC Section 103; department of property maintenance inspection.

Section [A] 103.5 Fees of the IPMC, as adopted by the city, is hereby amended to read as follows:

Section [A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the city fee schedule.

Sec. 10-461. Amendments to IPMC Section 109; emergency measures.

Section 109.1 and Section 109.6 of the IPMC, as adopted by the city, are hereby amended to read as follows:

109.1 Imminent danger. See Article XI (Unsafe or Dangerous Structures; Abandoned Property) of Chapter 10 (Buildings and Construction), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith.

Sec. 10-462. Amendments to IPMC Section 110; demolition.

Sections 110.1, 110.2, 110.3, and 110.4 of the IPMC, as adopted by the city, are hereby deleted in their entirety, and Section 110.1 shall be amended to read as follows:

Section 110.1 General. See Article XI (Unsafe or Dangerous Structures; Abandoned Property) of Chapter 10 (Buildings and Construction), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

Sec. 10-463. Amendments to IPMC Section 111; means of appeal.

Section 111 of the IPMC, and all subsections thereunder, as adopted by the city, are hereby deleted in their entirety.

Sec. 10-464. Amendments to IPMC Section 112; stop work order.

Section [A] 112.4 of the IPMC, as adopted by the city, is hereby amended to read as follows:

Section [A] 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 subject to prosecution in municipal court.

Sec. 10-465. Amendments to IPMC Section 202; general definitions.

The definition of the term "code official" in Section 202 of the IPMC, as adopted by the city, is hereby amended to read as follows:

[A] CODE OFFICIAL. The department head or other person designated by the city manager to enforce this article. The present designated code official is the zoning administrator, community development department. All officers of the city including code enforcement, law enforcement and building inspection personnel may report violations to this person who shall investigate and determine appropriate action. Citizens are also encouraged to report violations of this code to the designated code official.

Sec. 10-466. Amendments to IPMC Section 302; exterior property areas.

Section 302.4 (Weeds) of the IPMC, as adopted by the city, is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. All noxious weeds and uncontrolled thickets 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 and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with this code or as may otherwise be provided in Article V (Additional or Alternative Provisions regarding Weeds and other Vegetation) of Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

302.4.1 Weeds/thickets to be removed. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as provided in Article V of Chapter 28, as amended, of the Leavenworth Code of Ordinances.

302.4.2 Notice to remove. See Article V (Additional or Alternative Provisions regarding Weeds and other Vegetation) of Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

302.4.3 Abatement; assessment of costs. See Article V (Additional or Alternative Provisions regarding Weeds and other Vegetation) of Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

302.4.4 Right of entry. See Article V (Additional or Alternative Provisions regarding Weeds and other Vegetation) of Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

302.4.5 Unlawful interference. See Article V (Additional or Alternative Provisions regarding Weeds and other Vegetation) of Chapter 28 (Nuisances), as amended,

of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for in this code or otherwise in city code, the code official, at his or her option, may also file a complaint or complaints in the municipal court of the city against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

Section 302.8 of the IPMC, as adopted by the city, is hereby amended to read as follows:

302.8 Motor vehicles. Except as otherwise set forth in this section, it is a violation of this article for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, or in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this section shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of forty-eight (48) hours. Violation of the provisions of this section shall further be deemed a nuisance.

Nothing in this section shall preclude other enforcement as provided in Chapter 28 (Nuisances) or in Article VI (Abandoned Vehicles) of Chapter 44 (Traffic and Vehicles), as amended, of the Leavenworth Code of Ordinances, or K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city. Except as otherwise set forth in this section, a motor vehicle nuisance is any motor vehicle which is: not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; parked in violation of city ordinance; incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;

2. The parking or storage of a vehicle inoperable for a period of forty-eight (48) consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations; or
4. To the extent provided elsewhere in this section.

Provided, that nothing in this section shall be construed to authorize the maintenance of a public nuisance. See Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference, and K.S.A. 8-1101 *et seq.*

302.8.2 Inoperable vehicles; authorization of code official to order removal.

Except as otherwise set forth in this section, it is a violation of this article for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle in violation of this section, the code official may issue an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to remove the vehicle as provided in this code or in Chapter 28 (Nuisances) or in Article VI (Abandoned Vehicles) of Chapter 44 (Traffic and Vehicles), as amended, of the Leavenworth Code of Ordinances, or K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.3 Parking and storage of inoperable vehicles Except as otherwise set forth in this section, it is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that this section 302.8.3 shall not apply to filling stations (or gasoline service stations) operating as special uses or non-conforming uses. The provisions of this section shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty-eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such

vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section.

302.8.4 Parking and storage of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special uses or non-conforming uses. Notwithstanding the foregoing, the regulations set forth in this subsection shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.

All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street. No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

302.8.5 Complaints; inquiry and inspection. The code official or designee shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.6 Right of entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.7 Notice; contents; abatement; disposition of vehicle; hearing; costs assessed. Any person found by the code official to be in violation of this section shall be served a notice of such violation, as provided in Chapter 28 (Nuisances), as amended, of the Leavenworth Code of Ordinances, the terms of which are incorporated herein by this reference, and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference. Such violations may be abated, and vehicles disposed, in accordance with such Chapter 28. Hearings may be conducted, and costs assessed, in accordance with such Chapter 28.

Sec. 10-467. Amendments to IPMC Section 304; exterior structure.

Section 304.14 (Insect Screens) of the IPMC, as adopted by the city, is hereby amended to read as follows:

Section 304.14 Insect Screens. During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per

inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Sec. 10-468. Amendments to IPMC Section 602; heating facilities.

Section 602.3 (Heat Supply) of the IPMC, as adopted by the city, is hereby amended 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 units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 1 to maintain a minimum temperature of 60°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 (Occupiable Work Spaces) of the IPMC, as adopted by the city, is hereby amended to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

Sec. 10-469. Purpose.

The purpose of this article is to provide for enforcement of property maintenance standards which are considered essential to health and sanitation, but their violation would not necessarily make a home unfit for continued occupancy. Each standard enumerated herein is a minimum order of law. Persons are encouraged to maintain their properties to higher standards.

Secs. 10-470—10-526. Reserved.

Section 2. Article X of Chapter 10 of the Leavenworth Code of Ordinances, including Sections 10-446 through 10-526, inclusive, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the 16th day of January, 2024.

Griff Martin, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk