



Code Enforcement
Standard Operating Procedure
Unsafe Structure Violations

I. Purpose

- A. The purpose of this procedure is to provide direction and a process to properly identify, document, report, effectually serve notice of, and abate unsafe structure violations as defined by the 2018 International Property Maintenance Code (IPMC) as codified as Ordinance 1441 of the latest version of the code of the city of Columbus, Kansas, hereafter referred to as the "Code".
- B. It is the policy of Code Enforcement to identify, document, report, notify and abate unsafe structure violations through a documented process that includes the collection of evidence, case management, data entry, and the service of legal notification as stipulated by the Code and Kansas State Statutes.

II. Definitions

- A. Abandoned Property – "Any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding 90 (ninety) days or commercial real estate for which taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties." (KSA 12-1750)
- B. Approved – "Approved by the code official." (IPMC 202)
- C. Code Official – "The official who is charged with the administration and enforcement of this code, or duly authorized representative." (IPMC 202)
- D. Commercial Real Estate – "Any real estate for which the present use is other than one to four residential units or for agricultural purposes." (KSA 12-1750)
- E. Condemn – "To adjudge unfit for occupancy." (IPMC 202)
- F. Easement – "That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted for use under, on or above a said lot or lots." (IPMC 202)
- G. Exterior Property – "The open space on the premises and on adjoining property under the control of owners or operators of such premises."
- H. Neglect – "The lack of proper maintenance for a building or structure." (IPMC 202)
- I. Occupancy – "The purpose for which a building or portion thereof is utilized or occupied." (IPMC 202)

- J. Occupant – “Any individual living or sleeping in a building or having possession of a space within a building.” (IPMC 202)
- K. Owner – “Any person, agent, operator, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.” (IPMC 202)
- L. Person – “Individual, corporation, partnership or any other group acting as a unit.” (IPMC 202)
- M. Premises – “A lot, plot or parcel of land, easement or public way, including any structures thereon.” (IPMC 202)
- N. Property – A lot, plot or parcel of land, easement or public way, including any structures thereon. This term is intended to be synonymous with the term “Premises”, as used in the Code.
- O. Public Way – “Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public or public use.” (IPMC 202)
- P. Structure – “That which is built or constructed or a portion thereof.” (IPMC 202)
- Q. Unlawful Structure – “An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.” (IPMC 108.1.4)
- R. Unreasonable to Repair – “‘Unreasonable to repair’ means that the repair costs exceed 30% of the replacement value of the structure as established by the Cherokee County Appraiser.”
- S. Unsafe Structure – “An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or such faulty construction or unstable foundation, that partial or complete collapse is possible.” (IPMC 108.1.1)

III. **Applicable Codes**

- A. Demolition – Demolition is described in the IPMC 110, as amended by Ordinance 1441.
- B. General – “The Code Official is hereby authorized and directed to enforce the provisions of the code. The Code Official shall have the authority to render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.” (IPMC 104.1)
- C. Dangerous Structure or Premises – For purposes of this code, any structure or premises that has any or all of the conditions or defects described in section 108.1.5 of the IPMC shall be considered dangerous. (IPMC 108.1.5)
- D. Identification – “The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.” (IPMC 104.4)
- E. Inspections – “The Code Official shall make all of the required inspections or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such agency or by the responsible individual.

The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

- F. Method of Service – Methods of service are described in IPMC 107.3, as amended by Ordinance 1441.
- G. Notices – Notices are described in IPMC 107, as amended by Ordinance 1441.
- H. Notice and Orders – “The Code Official shall issue all necessary notices or orders to ensure compliance with this code.” (IPMC 104.5)
- I. Records – “The Code Official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.” (IPMC 104.6)
- J. Right of Entry – “Where it is necessary to make an inspection to enforce the provisions of this 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 occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.”
- K. Unsafe Structures – The governing body has determined that structures exist within the city that are so deteriorated, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy such that it is unreasonable to repair the structure.
- L. Unsafe Structures and Equipment – “When a structure or equipment is found the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.” (IPMC 108.1)
- M. Violations, Abatement, Fees – Violation prosecution, penalties, abatement and fess are described in IPMC 106, as amended by Ordinance 1441.

IV. Procedure

- A. Surveys and Complaints
 - 1. The Code official shall regularly survey the city for unsafe and within forty-eight (48) hours, review all for unsafe structures complaints that are received by Code Enforcement.
 - 2. The Code Official shall prioritize unsafe structure complaints by their severity.
 - 3. The Code Official shall give fire-damaged structures a higher priority in order to determine if emergency securement or emergency demolition is required.
 - 4. The Code Official shall inspect and take photographs of fire-damaged structure within three (3) days of the fire. If the fire was severe, the inspection needs to be done as soon as the situation allows.
 - a. If emergency securement or emergency demolition is required, the Code Official shall implement the appropriate procedure.
 - b. If emergency securement or emergency demolition is not required, and there was less than ten thousand dollars (\$10,000.00) in structural damage, the Code Official shall transfer the case to a Housing Violation case.

- c. If emergency securement or emergency demolition is not required, and there was ten thousand dollars (\$10,000.00) or more in structural damage, the Code Official shall monitor the property for thirty (30) days to allow time for the Columbus Fire Department, Kansas Fire Marshals, and the insurance company to complete their investigations.
- B. Opening a New Case
 - 1. The Code Official shall open a new unsafe structure case in the database.
 - a. The Code Official shall identify the location of the structure violation by the correct parcel and assigned address number (if an address number has been assigned). This will apply to common address, as well as legal address.
 - b. The Code Official shall determine if there is an existing open for unsafe structure violation case for the particular property to ensure there is no duplication of effort.
 - 2. The Code Official shall attach all documentation associated with the particular violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation
- C. Property and Owner Information
 - 1. The Code Official shall check the Cherokee County (CKCO) tax sale listing for the address having the unsafe structure.
 - 2. The Code Official shall collect property and owner information, which includes:
 - a. Property Owner – from the CKCO Appraiser’s database.
 - b. Property record card (PRC) – from the CKCO Appraiser’s database.
 - c. Property tax status - from the CKCO Appraiser’s database.
 - d. Deed – From the CKCO Register of Deeds database.
 - e. Structure Sketch - from the CKCO Appraiser’s database.
 - f. Water Service status – from the City of Columbus’ database.
 - g. Property Map – from the CKCO Appraiser’s database.
 - h. Obituary (If applicable) – from the Columbus News Report or the Internet.
 - i. Purchaser under contract (PUC), Taxpayer & Mortgage Company - from the CKCO Appraiser’s database.
 - j. Property owner contact information (current address and phone number) – from the real estate records, PRC, the deed, the internet.
 - i. Company owner, registered office and/ or resident agent contact information from the State of Kansas Business Entity website.
 - ii. Deceased owner probate filing information from the CKCO District Court.
- D. Documentation of Violations
 - 1. The Code Official shall appropriately document violations.
 - 2. Photographs shall be taken of the exterior of the structure, notes from personal observations shall be made and other relevant evidence shall be collected from a place the Code Official has the legal right to be located.
 - a. This can be from areas where the public has a legal right to be without consent.
 - b. This can be from a public way or private property, if consent is established.
 - c. The Code Official shall seek to obtain written approval from the owner or occupant of a premises having a violation prior to entering any part of that premises where he does not have a legal right to be without consent.

- d. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
 - i. An Administrative Search Warrant is not required if the property is vacant and unsecure, unless it has “No Trespassing” signs or locked gates.
 - ii. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.
- 3. The Code Official shall document his personal observation, as appropriate.
- 4. Administrative Search Warrant
 - a. If it is determined that a warrant is required to legally enter a property, the Code Official shall generate the warrant and send it to the City Prosecutor for review.
 - b. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
 - c. If approved, the warrant will be signed by the District Court Judge and sent to the Code Official to be served within ninety-six (96) hours.
 - d. If the warrant is for abatement, the Code Official shall coordinate with the Abatement Crew to determine a reasonable date and time to abate the violation.
 - e. The Code Official may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
 - f. The Code Official shall photograph the violation. These photographs, and any corresponding notes taken, shall be attached to the case file.
 - g. At the conclusion of the warrant execution, the Code Official shall populate and sign the “return receipt” page attached to the warrant.
 - i. The Code Official shall leave one copy of the warrant and the “return receipt” with the owner or occupant of the property while on scene.
 - ii. If the owner or occupant of the property is not available, the Code Official shall post the copy of the warrant and “return receipt” in a conspicuous place on the premises and take one up-close photograph of the warrant and a second photograph of the front of the structure with the property address and the warrant visible.
 - iii. The Code Official shall send the other copy of the warrant and “return receipt” to the District Court Judge.
- E. Initial Inspection
 - 1. The Code Official shall perform an Initial Inspection, which includes:
 - a. Taking photographs of all sides of the structure exterior showing full view of windows and doors, all rooms inside the structure showing full view of each room, kitchens and bathrooms showing fixtures and cabinets, the electrical panel, furnace, water heater and other major appliances and up-close photographs showing violations such as cracked walls, ceilings and floors, and electrical and plumbing issues.
- F. Complaint and Notice of Hearing
 - 1. The Code Official shall process the Complaint and Notice of hearing that includes:
 - a. Names and addresses of all parties having legal interest in the property. This includes the property owner(s), heirs of deceased property owner(s), occupants of property, purchasers under contract (PUC), taxpayers, resident agents, registered offices, mortgage companies and anyone having Durable Power of Attorney.

- b. The case number, property address, CKCO Appraiser Parcel ID #, legal description, the hearing date and time and a list the violations referencing the appropriate IPMC section.
 - c. The Complaint and Notice of Hearing shall be dated more than ten (10) days, but less than thirty (30) days before the hearing date.
 2. The Code Official shall have the Complaint and Notice of Hearing approved by the appointing authority.
 3. The Code Official shall send the Complaint and Notice of Hearing to the property owner(s) by both certified mail and first-class mail. Personal service may be substituted for certified mail.
 4. The Code Official shall send a Copy of the Complaint and Notice of Hearing by first-class mail to the other parties having legal interest in the property.
 5. If the certified mail is returned and the envelope has a forwarding address, the Code Official shall send the Complaint and Notice of Hearing to the new address along with a cover letter that contains the new certified mail number.
 6. If the first-class mail is returned and the envelope has a forwarding address, the Code Official shall send the Complaint and Notice of Hearing to the new address.
- G. Pre-Hearing Inspection
 1. The Code Official shall inspect the property and take a photograph verifying that either the structure is still standing or that it has been demolished. The hearing will be held even if the structure has been demolished.
 2. The Code Official shall review the case file and prepare for the hearing to ensure that all requirements have been met.
 3. The Code Official shall generate an “Unsafe Structure Report” consisting of a cover page with case number, property address, structure type and photographs of the structure; the Complaint and Notice of Hearing; the Certificate of Service Form; the property owner information; the property map; the PRC and photographs of the exterior and interior of the structure.
 4. The Code Official shall contact the property owner and remind them of the hearing, if contact information is available.
- H. Administrative Appeal Hearing
 1. An owner shall have the right to appeal the notice of violation provided that a written application is submitted on or before the date designated in the notice.
- I. Demolition Order
 1. The governing body may order a structure to be demolished by issuing a Demolition Order.
 2. The Code Official shall send the Demolition Order to all parties having legal interest in the property by both certified and first-class mail. Personal service may be substituted for certified mail.
- J. Demolition Process
 1. When the Demolition Order appeal timeframe has expired the Code Official shall inspect the property and take a photograph verifying that the structure is still standing or that is has been demolished.
 2. If the structure has been demolished, the demolition process shall be halted, and the Code Official shall close the case.
 3. The Code Official shall check the CKCO Appraisers database for any changes in ownership.

4. The Code Official shall review the case file on the database to ensure that all timelines have been met and all procedures have been followed before proceeding with the Demolition Order.
 5. The Code Official shall notify contracted demolition company.
- K. Process Fees – Billing
1. Administrative Staff shall generate a “Total Cost Bill” which shall include all costs associated with the case.
 2. Administrative Staff shall send the bill to the property owner by certified mail.
 3. The property owner may appeal all or part of the bill in accordance with the Administrative Hearings Standard Operating Procedure.
 4. The request for appeal must be submitted within ten (10) business days of the date on the bill.
 5. Administrative Staff shall be responsible for coordinating a payment plan, if requested by the property owner.
 6. If the bill is not paid within thirty (30) days of the date on the bill and a payment plan was not established, Administrative Staff shall send a “Final Bill”, by first class mail, to the property owner as a reminder.
 7. The property owner may not appeal all or part of the “Final Bill” because the request for appeal must be submitted in writing within ten (10) business days of the date on the “Total Cost Bill”.
 8. If the bill is not paid within ten (10) days of the date on the “Final Bill” and a payment plan was not established. Administrative Staff shall send the unpaid bill to collections and proceed with filing an assessment to the property owner’s property tax bill
- L. Closing the Case – Administrative Staff shall close the case when the bill is paid or when the unpaid bill has been sent to collections and an assessment to the owner’s property tax bill has been filed.

V. Case Management

- A. During the process of identifying, reporting, and managing a case, the Code Official shall pursue voluntary compliance above all other means to remedy the case.
- B. The Code Official shall be available for correspondence concerning current and past cases during assigned working hours via cell phone, personal contact, email or other means of electronic communication.
- C. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
- D. The Code Official may allow one extension for a case, if requested by the violator, when there is a plan of action to address the issue, the requester exhibits good-faith, the responsible party can establish reputable means and resources to remedy the underlying violation and/or case in a timely manner or the Code Official observes significant progress is being made.
 1. If an initial extension is granted, the Code Official shall provide detailed reasoning for the extension in his case notes.
 2. Any subsequent extension must be approved by the Chief of Police or his designee and the reason for the additional requested extension shall be in writing.
- E. The Code Official has the discretion to file a Notice to Appear if the violation still exists.
 1. The Code Official serve the Notice to Appear following the designated methods of service.

2. The Code Official shall populate a case file, including, but not limited to notice of violation, photographs, notice to appear, and other appropriate case documentation to the City Prosecutor for review.
3. If approved, the City Prosecutor will prosecute the case in Municipal Court.
4. The Code Official shall attend the Court proceedings to assist the City Prosecutor
5. The Code Official shall conduct re-inspection as ordered by the Court.