

PUBLISHED IN THE COLUMBUS NEWS REPORT ON _____

ORDINANCE NO. 1454 SUMMARY

On November 4, 2019, the City of Columbus, Kansas passed Ordinance No. 1454 entitled:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), ADOPTED IN ORDINANCE 1441, CODIFIED AT SECTION 4-901, AND AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER IV ARTICLE 6 OF THE CODE OF THE CITY OF COLUMBUS, KANSAS, CONCERNING DANGEROUS AND UNFIT STRUCTURES.

This Ordinance amends Chapter IV, Article 6, regarding dangerous structures to reflect statutory updates, and to establish standard administrative and operating procedures to be codified at Section 4-902, consistent with Chapter IV, Article 6 and with the International Property Maintenance Code (IPMC), adopted by Ordinance 1441, first codified at Section 4-901. In addition, this ordinance completes the open definitions in the IPMC in new sections 4-901a through 4-901h.

This ordinance shall become effective upon publication in the official City newspaper.

The complete text of this ordinance may be obtained or viewed free of charge at the Columbus City Hall, City Clerk's Office, 300 E. Maple, Columbus, KS. This summary is certified as legally accurate and sufficient by Barbara Wright, Columbus City Attorney.

/s/ Barbara Wright
Columbus City Attorney

November 4, 2019
Date

(First Published in the Columbus News Report _____, 2019)

ORDINANCE NO. 1454

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), ADOPTED IN ORDINANCE 1441, CODIFIED AT SECTION 4-901, AND AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER IV ARTICLE 6 OF THE CODE OF THE CITY OF COLUMBUS, KANSAS, CONCERNING DANGEROUS AND UNFIT STRUCTURES.

WHEREAS, standards for the maintenance of property and abatement procedures for remedial action are established by adoption of the International Property Maintenance Code (IPMC), Ordinance Number 1441, City Code Section 4-901.

WHEREAS, the IPMC duplicates and updates certain sections and ordinances within the subject matter of Chapter IV of the Code of the City of Columbus, Kansas.

WHEREAS, standard operating procedures, administrative procedures, and appeals codified in Chapter IV that are inconsistent with the IPMC shall supersede the relevant IPMC sections.

WHEREAS, in order to effectively enforce the public objective for compliance with the Code for the City of Columbus, including but not limited to, the International Property Maintenance Code, administrative processes and procedures should be implemented to address the specific issues related to each category of the IPMC as prerequisites to the procedures taken by the Governing Body.

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

SECTION 1: That Ordinance 1441, Chapter IV Article 9, and the IPMC shall be amended and completed as follows:

New Section 4-901a. IPMC, Chapter 1, SCOPE AND ADMINISTRATION, Part 1 - **SCOPE AND APPLICATION**, Section 101.1 Title.

These regulations shall be known as the *International Property Maintenance Code of the City of Columbus, Kansas*, hereinafter referred to as "this code."

New Section 4-901b. IPMC, Chapter 1, SCOPE AND ADMINISTRATION, Part 2, Section 111, **MEANS OF APPEAL**, shall be repealed.

New Section 4-901c. IPMC, Chapter 1, SCOPE AND ADMINISTRATION, Part 2 - ADMINISTRATION AND ENFORCEMENT, DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION, Section 103.5, Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be covered by the salary of the enforcement official.

New Section 4-901d. IPMC, Chapter 1, SCOPE AND ADMINISTRATION, Part 2 - ADMINISTRATION AND ENFORCEMENT, STOP WORK ORDER, Section 112.4, Failure to comply. Failure to comply with Stop Work Order has no fine as of January 1, 2020.

New Section 4-901e. IPMC, Chapter 3, GENERAL REQUIREMENTS, EXTERIOR PROPERTY AREAS, Section 302.4, Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12"). 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 a notice or 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.

New Section 4-901f. IPMC, Chapter 3, GENERAL REQUIREMENTS, EXTERIOR STRUCTURE, Section 304.14, Insect Screens.

During the period from January to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparations 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 25mm), and every screen door used for insect control shall have a self closing device in good working condition.

New Section 4-901g. IPMC, Chapter 6, MECHANICAL AND ELECTRICAL REQUIREMENTS, HEATING FACILITIES 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 January 1 to December 31 to maintain temperature of 68°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.

New Section 4-901h. IPMC Chapter 6, **MECHANICAL AND ELECTRICAL REQUIREMENTS, HEATING FACILITIES** Section 602.4, Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 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.

SECTION 2:

New Section 4-902. 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) codified by Ordinance 1441, as amended, and in conjunction with Chapter IV Article 6 of the Code of the City of Columbus, Kansas.
- 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. 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 according to Section 4-612 of the City Code.
 - 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: 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

1. The Code Official shall process the Complaint and Notice of Violation 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, lienholders of record and anyone having Durable Power of Attorney.
 - b. The case number, property address, CKCO Appraiser Parcel ID #, legal description and a list the violations referencing the appropriate IPMC section.
 - c. The Notice of Violation shall state the deadline date for response or answer to the Complaint.
2. The Code Official shall send the Complaint and Notice of Violation to the property owner(s) by both certified mail and first-class mail. Personal service may be substituted for certified mail.
3. The Code Official shall send a Copy of the Complaint and Notice of Violation by first-class mail to the other parties having legal interest in the property.
4. If the certified mail is returned and the envelope has a forwarding address, the Code Official shall send the Complaint and Notice of Violation to the new address along with a cover letter that contains the new certified mail number.
5. 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. 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.
2. 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; the Certificate of Service Form; the property owner information; the property map; the PRC and photographs of the exterior and interior of the structure.

H. Administrative Appeal

An owner shall have the right to respond to the Code Official in his or her capacity and authority to administer appropriate Case Management (see III. Case Management below), or the owner may appeal the notice of violation to the Chief of Police or the City Administrator provided that a written response is submitted on or before the deadline date designated in the Notice of Violation.

- I. Exhaust Administrative Remedies When all administrative procedures have been pursued and exhausted without successful remediation or abatement of the structural violation, the Code Official / Enforcing Officer shall make a formal presentation of the case to the governing body for proceedings outlined in the City Code, Section IV, Article 6, in pursuing an appropriate order finding the structure dangerous and unsafe for human use or habitation and an order for remediation including repair, alteration, improvement, or raze by demolition and make the premises safe.

J. Demolition Process

1. When a Demolition Order timeframe has expired the Code Official shall inspect the property and take a photograph verifying that the structure is still standing or that it 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 timeline 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.

III. 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.

SECTION 3.

New Section 4-902. STANDARD OPERATING PROCEDURE - EMERGENCY DEMOLITION - 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 execute the emergency demolition of dangerous unsafe structures as defined by the 2018 International Property Maintenance Code (IPMC) as codified as Ordinance 1441, as amended, and in conjunction with Chapter IV Article 6 of the Code of the city of Columbus, Kansas.

B. It is the policy of Code Enforcement to identify, document, report, notify and demolish dangerous unsafe structures through a documented and expedited emergency 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. Procedure

A. Inspection of Dangerous Unsafe Structures

1. The Code Official shall inspect a dangerous unsafe structure when it is safe to do so and does not interfere with other government officials or insurance company inspectors.

2. When a structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the Code Official may cause barricades to be erected and the dangerous unsafe structure to be demolished without delay and without notice of a hearing to the owners, agents, lienholders and occupants.

3. The Code Official shall appropriately document the dangerous unsafe structure conditions

a. Photographs shall be taken of the damage to the exterior of the structure

b. If the structure is not secure and it is safe to do so, photographs shall also be taken of the damage to the interior of the structure.

c. Notes from personal observations shall be made and other relevant evidence shall be collected.

B. Opening a New Case

1. The Code Official shall open a new unsafe structure (emergency) case in the database.

2. 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.

3. 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. Emergency Order

1. The Code Official shall process an Emergency Order that lists the property address, describes the damage and states that the dangerous and unsafe conditions require immediate action be taken to demolish the structure without delay to preserve and protect public safety.
2. The Code Official shall have the Emergency Order approved by the Chief of Police or his designee.
3. The Code Official shall attempt to contact the property owner by phone or in person and inform them that they must take immediate action to demolish the dangerous unsafe structure or the City will initiate the demolition process.
4. The Code Official shall send the Emergency Order to the property owner by first class mail. Personal service may be substituted for first call mail.
5. The Code Official shall post the Emergency Order in a conspicuous place on the premises and take one up-close photograph of the Emergency Order and a second photograph of the front of the structure with the property address and the Emergency Order visible.
6. The Code Official shall also post at each entrance to a structure a placard bearing the words “DANGER-KEEP OUT” when:
 - a. There is imminent danger of failure or collapse of a building or structure which endangers life.
 - b. The structure or part of a structure has fallen, and life is endangered by the occupation of the structure.
 - c. There is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.
7. The Code Official shall take one up-close photograph of the placard and the background for the posting for identification purposes.

8. If contact was not made with, the property owner or the property owner did not agree to take action to demolish the structure, the Code Official shall move forward with the demolition process.

9. If contact was made with the property owner and the property owner agreed to take action to demolish the structure, the Code Official shall monitor the case for the amount of time given the property owner to comply.

10. If the property was being monitored, the Code Official shall re-inspect the property following the date and time specified.

a. If the dangerous unsafe structure has been demolished, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as part of the case evidence to justify closing the case.

b. If the dangerous unsafe structure has not been demolished, the Code Official shall take photographs of the current condition of the property and attach them to the case. The photographs shall be used as evidence when proceeding with the demolition process.

E. 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 it 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.

F. 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 Chapter IV Article 6, Section 4-613 of the Code for the City of Columbus, Kansas.

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
- G. 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.

III. 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.

SECTION 3: The Code for the City of Columbus, Kansas, Chapter IV, Article 6, **DANGEROUS AND UNFIT STRUCTURES**, Code 1999, shall be updated to reflect statutory provisions, the International Property Maintenance Code and expanded administrative process. Sections 4-602, 4-603, 4-604 and 4-605 shall be amended as follows.

Section 4-601. **PURPOSE.** The governing body has found that there exists within the corporate limits of the city structures which are unfit for human use or habitation because

of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article.

New Section 4-602. DEFINITIONS. For the purpose of this article, and in addition to the IPMC definitions, the following words and terms shall have the following meanings pursuant to K.S.A. 12-750, as amended:

a. "Structure" means any building, wall or other structure.

b. "Enforcing officer" means the building inspector or other officer designated by ordinance and charged with the administration of the provisions of this act.

c. "Abandoned property" means:

(1) 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 days; or

(2) commercial real estate for which the taxes are delinquent for the preceding two years and which has a blighting influence on surrounding properties.

"Commercial real estate" means any real estate for which the present use is other than one to four residential units or for agricultural purposes.

d. "Blighting influence" means conditions in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the municipality or which have an adverse impact on properties in the area. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations.

e. "Organization" means any nonprofit corporation organized under the laws of this state and which has among its purposes the improvement of housing.

f. "Rehabilitation" means the process of improving the property into compliance with applicable fire, housing and building codes.

g. "Parties in interest" means any owner or owners of record, judgment creditor, tax purchaser or other party having any legal or equitable title or interest in the property.

h. "Last known address" includes the address where the property is located, or the address as listed in the tax records.

New Section 4-603. ENFORCING OFFICER DUTIES.

- a. Enforcing Officer shall mean Public Officer, Code Enforcement Officer, Law Enforcement Officer or other City official authorized to enforce Code provisions and the purposes of this article including, but not limited to the IPMC, Chapter IV, and Chapter VIII, as assigned by the Chief of Police or the Governing Body.
- b. The Enforcing Officer shall have the authority to inspect any structure which appears to be unsafe, dangerous or unfit for human use or habitation.
- c. The Enforcing Officer shall have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the premises. If entry is denied, the enforcing officer may seek a warrant or order from a court of competent jurisdiction.

New Section 4-604. PROCEDURE.

- a. The Enforcing Officer shall receive and investigate any petition charging that any structure is dangerous, unsafe or unfit for human use or habitation and inspect any structure which appears to be unsafe, dangerous or unfit for human habitation.
- b. The Enforcing Officer shall follow all steps and standard operating procedures according to the administrative process established in Chapter IV, Article 9 of this Code.
- c. The Enforcing Officer shall present case files to the Governing Body for formal resolution when all administrative and/or judicial remedies pursuant to Code Section 4-902 have been exhausted.

New Section 4-605. NOTICE. The Governing Body, upon receiving a case presentation pursuant to Section 4-604, shall, by resolution, fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

Section 4-606. SAME; PUBLICATION.

- (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
- (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."

Section 4-607. SAME; HEARING ORDER. If after notice and hearing, the Governing Body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure fails to commenced

and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

Section 4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

Section 4-609. SAME; FAILURE TO COMPLY.

(a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

Section 4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

Section 4-611. ASSESSMENT OF COSTS.

(a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et. seq.*, and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located; and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk who shall extend the

same on the tax rolls of the county against such lot or parcel of land, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A.40-3901, *et. seq.*, and amendments thereto, are insufficient to pay the costs of the work and costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed until the costs are paid out of the general fund or by the issuance of no-fund warrants. (K.S.A. 12-1755)

Section 4-612. IMMEDIATE HAZARD. When, in the opinion of the governing body, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756)


Section 4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

Section 4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750-1756.

SECTION 3. All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 4: This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Columbus, Kansas,
this 4th day of November, 2019.



Grant Spieth, Mayor

ATTEST:



Cheri Chancellor, City Clerk

