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**ORDINANCE NO. 1455 SUMMARY**

On November 4, 2019, the City of Columbus, Kansas passed Ordinance No. 1455 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 AND CHAPTER VIII OF THE CODE OF THE CITY OF COLUMBUS, KANSAS, THAT SUPPLEMENT AND DUPLICATE THE IPMC.**

This Ordinance amends Chapter IV and Chapter VIII to reflect statutory updates, and to establish standard administrative and operating procedures to be codified at Section 4-902, *et. seq.* consistent with the substantive code sections addressing structures, sanitation, inoperable vehicles, weeds, housing and securement in Chapter IV and Chapter VIII, including the International Property Maintenance Code (IPMC). In addition, this ordinance completes the open definitions in the IPMC in new sections 4-901a through 4-901g.

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. 1455**

**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 AND CHAPTER VIII OF THE CODE OF THE CITY OF COLUMBUS, KANSAS, THAT SUPPLEMENT AND DUPLICATE THE IPMC.**

**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 and Chapter VIII of the Code of the City of Columbus, Kansas.

**WHEREAS**, in order to effectively enforce the public objective for compliance with the International Property Maintenance Code, administrative processes 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, Section 4-901, 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 - **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 4-901c. IPMC, Chapter 1, **SCOPE AND ADMINISTRATION**, Part 2 -

**ADMINISTRATION AND ENFORCEMENT, STOP WORK ORDER**, Section 1112.4, Failure to comply. Failure to comply with Stop Work Order has no fine as of January 1, 2020.

**New Section 4-901d. 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 4-901e. 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 4-901f. 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 4-901g.** 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:** 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 4-605 through 4-614 shall be repealed. Sections 4-602 through 4-604 shall be amended as follows:

**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:

- 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 including, but not limited to the IPCM, Chapter IV, and Chapter VIII, as assigned by the Chief of Police or the Governing Body.

b. 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.

c. The Enforcing Officer shall investigate any petition, filed by at least five residents, charging that any structure is dangerous, unsafe or unfit for human habitation.

#### **New Section 4-604. DANGEROUS AND UNFIT STRUCTURES - INVESTIGATIONS AND PROCEDURE**

The Enforcing Officer shall proceed with investigations and potential remedies to resolve problem conditions according to established administrative and judicial process.

##### **I. 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.
5. If emergency securement or emergency demolition is required, the Code Official shall implement the appropriate procedure.
6. 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.
7. 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

The Code Official shall open a new unsafe structure case in the database.

1. 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.
2. 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. 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. Initial Inspection

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.

#### D. 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
  - j. Appraiser’s database.
  - k. Property owner contact information (current address and phone number) – from the
  - l. real estate records, PRC, the deed, the internet.
  - m. Company owner, registered office and/ or resident agent contact information from the
  - n. State of Kansas Business Entity website.
  - o. Deceased owner probate filing information from the CKCO District Court.

#### E. 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" signage.
  - e. The Code Official shall document his personal observation, as appropriate.

**F. Administrative Search Warrant**

1. 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.
2. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
3. 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.
4. 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.
5. The Code Official may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
6. The Code Official shall photograph the violation. These photographs, and any corresponding notes taken, shall be attached to the case file.
7. At the conclusion of the warrant execution, the Code Official shall populate and sign the "return receipt" page attached to the warrant.
  - a. 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.
  - b. 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.
  - c. The Code Official shall send the other copy of the warrant and "return receipt" to the District Court Judge.

**G. Complaint and Governing Body Resolution**

1. The Code Official shall process the Complaint which includes:  
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. The case number, property address, CKCO

Appraiser Parcel ID #, legal description, and a list of the violations referencing the appropriate IPMC section.

2. The Code Official shall present the Complaint to the Governing Body and request a resolution fixing a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.
3. The resolution shall be published once each week for two consecutive weeks on the same day of each week.
4. A copy of the resolution containing the notice of hearing fixed by the Governing Body shall be mailed by certified mail and first-class 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." Personal service may be substituted for certified mail.
5. The hearing date fixed by the resolution of the Governing Body shall be dated at least 30 days after the last publication
6. 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.

#### H. 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.

#### I. Administrative Appeal

1. An owner shall have the right to appeal the notice of violation provided that a written application is submitted to the Code Official on or before the date designated in the complaint and resolution notice of hearing.
2. 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.
3. If an initial extension is granted, the Code Official shall provide detailed reasoning for



the extension in his case notes.

4. 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.

J. Resolution - Demolition Order

The governing body may order a structure to be demolished, 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.

1. The Code Official shall send the resolution and 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.

2. The resolution shall fix a reasonable time within which the repair or removal of such structure

K. Demolition Process

1. When the reasonable timeframe fixed by the Governing Body 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 resolution and demolition order.

5. The Code Official shall notify contracted demolition company.

L. 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 pursuant to K.S.A.12-1,115, as amended.

M. 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.

## **II. 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 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: Chapter VIII, Code 1999, Ordinance No. 1429 UNLAWFUL NUISANCES, and ENVIRONMENTAL CODE**, shall be amended to reflect administrative procedures and enforcement procedures pursuant to The International Property Maintenance Code authority. See Chapter IV, Article 9. Sections 8-204 through 8-212 shall be repealed.

### **New Section 8-202. 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 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 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.

c. The Enforcing Officer shall investigate any unlawful nuisance or environmental violation.

### **New Section 8-203. ABATEMENT OF NUISANCES; NOTICE; ASSESSMENT**

**AND COLLECTION OF COSTS; PROCEDURE; DISPOSITION OF MOTOR VEHICLES, PURSUANT TO K.S.A. 12-1617e.**

In addition, or as an alternative remedy to administrative process and the IPMC, the Enforcing Officer may proceed according to the following statutory procedures:

- a. The governing body of any city may have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds or other vegetation. The governing body may have drained any pond or ponds of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever the city, county or joint board of health or other agency as may be designated by the governing body of the city files with the clerk of such city its statement in writing that such nuisance, rank vegetation or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city. The governing body of the city, by resolution, also may make such determination.
- b. Except as provided by subsection (c), the governing body of the city shall order the owner or agent of the owner of the property to remove and abate from the property the thing or things therein described as a nuisance within a time, not exceeding 10 days, to be specified in the order. The governing body of the city shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance. The order shall state that before the expiration of the waiting period or any extension thereof, the recipient thereof may request a hearing before the governing body or its designated representative. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- c. If the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding twenty-four month period, the governing body of a city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (b) or as provided in this subsection. Except as specifically provided in this subsection, the governing body may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.
- d. If the owner or agent fails to comply with the requirement of the order for a period longer than that named in the order, the city shall proceed to have the things described in the order removed and abated from the lot or parcel of ground. If the city abates or removes the nuisance, the city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing

notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, 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 any applicable interest has been paid in full.

e. The city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city. Any person whose motor vehicle has been disposed of pursuant to this subsection shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of such refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

**SECTION 4:** Chapter VIII, Article 3, Codes 1999, 2005 and 2014, JUNKED VEHICLES ON PRIVATE PROPERTY, shall be repealed and replaced by the International Property Management Code (IPMC) and applicable procedures. See Chapter IV, Article 9.

**SECTION 5:** Chapter VIII, Article 4, and Ordinance No 1430, Codes 1999, 2005 and 2014, WEEDS, Sections 8-401 through 8-407, shall be repealed and replaced by the International Property Maintenance Code and applicable procedures. See Chapter IV, Article 9.

**SECTION 6:** Chapter VIII, Article 5 and Article 6 shall be repealed and replaced by the International Property Maintenance Code and applicable procedures. See Chapter IV, Article 9.

**SECTION 7: ADMINISTRATIVE PROCEDURES APPLICABLE TO INTERNATIONAL PROPERTY MAINTENANCE CODE ENFORCEMENT CATEGORIES: HOUSING; SANITATION; WEED-GRASS-VEGETATION; INOPERABLE VEHICLES; EMERGENCY DEMOLITION; AND SECUREMENT.**

**New Section 4-902.**

**A. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE:  
HOUSING 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 housing violations as defined by the 2018 International Property Maintenance Code (IMPC) 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 housing 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 Statues.

**II. Procedure**

- a. Surveys and Complaints – The Code official shall regularly survey the city for housing violations and within forty-eight (48) hours, review all housing complaints that are received by Code Enforcement.
- b. Documentation of Violations
  - i. The Code Official shall appropriately document for housing violations.
  - ii. Photographs shall be taken, 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.
    1. This can be from areas where the public has a legal right to be without consent.
    2. This can be from a public way or private property, if consent is established.
    3. 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.
    4. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
      - a. An Administrative Search Warrant is not required if the property is vacant and unsecure, unless it has “No Trespassing” signs or locked gates.
      - b. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.
  - iii. The Code Official shall document his personal observation, as appropriate.
- c. Opening a New Case

- i. The Code Official shall open a new housing violation case in the database.
  1. The Code Official shall identify the location of the housing 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.
  2. The Code Official shall determine if there is an existing open housing violation case for the particular property to ensure there is no duplication of effort.
- ii. The Code Official shall attach all documentation associated with the particular housing violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation.

d. Inspection

- i. The Code Official has the discretion to:
  1. Place the property on monitor for a period not to exceed thirty (30) days.
  2. Cause a notice to be sent to the property owner.
  3. Deploy a door hanger with relevant information to inform the occupant of the violation and remedies.
- ii. If a door hanger is utilized, the Code Official shall take one up-close photograph of the door hanger and a second photograph of the door hanger and the background of the posting for identification purposes.
- iii. If a door hanger was utilized or the property is being monitored, the Code Official shall re-inspect the property following the date specified.
  1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  2. If the violation still exists, 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 generating a written notice of violation.

e. Courtesy Notice

1. Due to winter weather, starting November 1<sup>st</sup> of each year, the Code Official shall generate a courtesy notice in lieu of a notice of violation for painting violations.
2. The Code Official has the discretion to include minor housing violations in the in the courtesy notice rather than simultaneously issuing a courtesy notice and a notice of violation on the same property.

3. The courtesy notice shall contain all the following relevant information.
  - a. Description of the real estate sufficient for identification.
  - b. A statement that includes a description of the conditions and identifies the violation.
  - c. A statement requesting that the property owner abate the violation in the time period specified in the courtesy notice.
    - i. Courtesy notices generated during the month of November will give the property owner 120 days to abate the violations.
    - ii. Courtesy notices generated during the month of December will give the property owner 110 days to abate the violation.
    - iii. Courtesy notices generated during the month of January will give the property owner 100 days to abate the violation.
    - iv. Courtesy notices generated during the month of February will give the property owner 90 days to abate the violation.
  - d. A statement that the Code Official is monitoring the case and will be re-inspecting the property at the expiration of the time specified in the courtesy notice.
  - e. The Code Official shall send the courtesy notice by first class mail to the property owner, taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
4. The Code Official shall re-inspect the property at the expiration time specified in the courtesy notice to determine if the violation still exists.
  - a. IF the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  - b. If the violation still exists, 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 generating a written notice of violation.

f. Notice of Violation

- i. The Code Official shall generate a written notice of violation that contains all of the following relevant information as designated by the Code:

1. Description of the property sufficient for identification.
  2. A statement that includes a description of the conditions and identifies the violation.
  3. A statement that the property owner must abate the violation by the date designated in the notice.
  4. A statement that any owner may request an appeal hearing.
    - a. The request shall be submitted to the Code Official on or before the date designated in the notice.
    - b. The scope of the appeal shall be limited to the following:
      - (1) whether the provisions of the Code apply; (2) whether the Code Official has correctly interpreted the Code; and/or
      - (3) whether the requirements of the Code can be adequately satisfied by other means.
  5. A statement that if the violation is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation and assess the costs against the owner.
  6. A statement that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.
- ii. The Code Official shall determine the amount of time to be given the owner of the property to abate the housing violation, but not to exceed sixty (60) days.
1. The date designated in the notice shall allow the amount of time given the owner of the property to abate the housing violation plus three (3) days for mailing the notice.
  2. The owner of the property shall abate the violation by the date designated in the notice.
- iii. Administrative Staff shall send notice to the property owner by certified mail and/ or first-class mail.
1. Personal serve may be substituted for certified mail.
  2. A copy of the notice shall be sent by first class mail to the taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
  3. If the certified mail or first-class mail that was sent to the property owner is returned and the envelope has a forwarding address, the Code Official shall revise the abatement due date and resend the notice.
- iv. In addition to the methods identified in this procedure, but not in lieu of, the Code Official may provide notice by other means, including, but not limited to, door hangers, conspicuously posting the notice on the property,



personal notification, telephone and/or various means of electronic communication.

g. Administrative Appeal Hearing

- i. 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.

h. Re-inspection

- i. The Code Official shall re-inspect the property after the date designated in the notice of violation to determine if the violation still exists.
    1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    2. If the violation has not been abated and the notice was personally served, or if the certified mail that was sent to the owner was not returned, 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 filing an administrative search warrant.
    3. IF the violation has not been abated, the notice was not personally served and the certified mail that was sent to the owner was returned without a forwarding address, the Code Official shall post a notice having a revised abatement due date in a conspicuous place on the property and take one up-close photograph of the notice and second photograph of the front of the structure with the property address and notice visible.
  - ii. If the notice was posted, the Code Official shall re-inspect the property upon the expiration of the compliance period stated in the notice to determine if the violation still exists.
    1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    2. If the violation has not been abated, 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 filing a notice to appear.
- i. Case Management

- i. 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.
  - ii. 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.
  - iii. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
  - iv. 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.
- j. The Code Official has the discretion to file a Notice to Appear if the violation still exists.
  - i. The Code Official serve the Notice to Appear following the designated methods of service.
  - ii. 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.
  - iii. If approved, the City Prosecutor will prosecute the case in Municipal Court.
  - iv. The Code Official shall attend the Court proceedings to assist the City Prosecutor
  - v. The Code Official shall conduct re-inspection as ordered by the Court.
  - vi. Closing the Case\_– The Code Official shall close the case when the violation has been abated or when directed to do so by the City Prosecutor.

**B. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE  
SANITATION 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 sanitation violations as defined by the 2018 International Property Maintenance Code (IMPC) 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 sanitation 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 Statues.
- II. Procedure
- a. Surveys and Complaints – The Code official shall regularly survey the city for sanitation violations and within forty-eight (48) hours, review all sanitation complaints that are received by Code Enforcement.
  - b. Documentation of Violations
    - i. The Code Official shall appropriately document sanitation violations.
    - ii. Photographs shall be taken, 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.
      - 1. This can be from areas where the public has a legal right to be without consent.
      - 2. This can be from a public way or private property, if consent is established.
      - 3. 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.
      - 4. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
        - a. An Administrative Search Warrant is not required if the property is vacant and unsecure, unless it has “No Trespassing” signs or locked gates.
        - b. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.
    - iii. The Code Official shall document his personal observation, as appropriate.
  - c. Opening a New Case
    - i. The Code Official shall open a new sanitation violation case in the database.
      - 1. The Code Official shall identify the location of the sanitation 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.

2. The Code Official shall determine if there is an existing open sanitation violation case for the particular property to ensure there is no duplication of effort.
- ii. The Code Official shall attach all documentation associated with the particular sanitation violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation.

d. Inspection

- i. The Code Official has the discretion to:
  1. Place the property on monitor for a period not to exceed seven (7) days.
  2. Cause a notice to be sent to the property owner.
  3. Deploy a door hanger with relevant information to inform the occupant of the violation and remedies.
- ii. If a door hanger is utilized, the Code Official shall take one up-close photograph of the door hanger and a second photograph of the door hanger and the background of the posting for identification purposes.
- iii. If a door hanger was utilized or the property is being monitored, the Code Official shall re-inspect the property following the date specified.
  1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  2. If the violation still exists, 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 generating a written notice of violation.

iv. Notice of Violation

1. The Code Official shall generate a written notice of violation that contains all of the following relevant information as designated by the Code:
  - a. Description of the property sufficient for identification.
  - b. A statement that includes a description of the conditions and identifies the violation.
  - c. A statement that the property owner must abate the violation by the date designated in the notice.
  - d. A statement advising that any owner may request an appeal hearing.
    - i. The request shall be submitted on or before the date designated in the notice.

- ii. The scope of the appeal shall be limited to the following: (1) whether the provisions of the Code apply; (2) whether the Code Official has correctly interpreted the Code; and/or (3) whether the requirements of the Code can be adequately satisfied by other means.
      - e. A statement that if the violation is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation and assess the costs against the owner.
      - f. A statement advising that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.
  - 2. The owner of the property shall abate the violation by the date designated in the notice. The date designated in the notice shall allow five (5) business days for abatement from the date the notice was issued.
  - 3. Code Official shall send the notice to the property owner by certified mail and/or first-class mail.
    - a. Personal service may be substituted for certified mail.
    - b. A copy of the notice shall be sent by first class mail to the taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
    - c. If the certified mail or the first-class mail that was sent to the property owner is returned and the envelope has a forwarding address, the Code Official shall revise the abatement due date and resend the notice.
  - 4. In addition to the methods identified in this procedure, but not in lieu of, the Code Official may provide notice by other means, including, but not limited to, door hangers, conspicuously posting the notice on the property, personal notification, telephone and/or various means of electronic communication.
- v. 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.
- vi. Re-inspection
- 1. The Code Official shall re-inspect the property after the date designated in the notice of violation to determine if the violation still exists.

- a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    - b. If the violation has not been abated and the notice was personally served, or if the certified mail that was sent to the owner was not returned, 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 filing an administrative search warrant.
    - c. If the violation has not been abated, the notice was not personally served and the certified mail that was sent to the owner was returned without a forwarding address, the Code Official shall post a notice having a revised abatement due date in a conspicuous place on the property and take on up-close photograph of the notice and a second photograph of the front of the structure with the property address and notice visible.
  2. If the notice was posted, the Code Official shall re-inspect the property upon the expiration of the compliance period stated in the notice to determine if the violation still exists.
    - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    - b. If the violation has not been abated, 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 filing an administrative search warrant or proceeding with the abatement.
    - c. If the property in violation has “No Trespassing” signs or a locked gate, the Code Official shall process a warrant for the abatement. If a warrant is not necessary, the Code Official shall forward the case to the Abatement Crew to be processed.
- vii. Administrative Search Warrant

1. 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.
2. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
3. 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.
4. 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.
5. The Code Official and Abatement Crew may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
6. All items cited in the warrant shall be placed in the Abatement Crew's truck. Removing anything from the premises for personal use is strictly prohibited.
7. The Code Official and/or Abatement Crew shall photograph the property before, during, and after the abatement process. These photographs, and any corresponding notes taken, shall be attached to the case file.
8. At the conclusion of the warrant execution, the Code Official shall populate and sign the "return receipt" page attached to the warrant.
  - a. 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.
  - b. 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.
  - c. The Code Official shall send the other copy of the warrant and "return receipt" to the District Court Judge.

viii. 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
- ix. 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.

e. Case Management

- i. 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.
- ii. 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.
- iii. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
- iv. 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.



- f. The Code Official has the discretion to file a Notice to Appear in addition to, or rather than, conducting an abatement of a violation.
  - i. The Code Official serve the Notice to Appear following the designated methods of service.
  - ii. 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.
  - iii. If approved, the City Prosecutor will prosecute the case in Municipal Court.
  - iv. The Code Official shall attend the Court proceedings to assist the City Prosecutor
  - v. The Code Official shall conduct re-inspection as ordered by the Court.

**C. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE  
WEEDS, GRASS, VEGETATION**

**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 weed violations as defined by the 2018 International Property Maintenance Code (IMPC) 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 weed 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 Statues.

**II. Procedure**

a. Surveys and Complaints – The Code official shall regularly survey the city for weed violations and within forty-eight (48) hours, review all weed complaints that are received by Code Enforcement.

b. Documentation of Violations

- vii. The Code Official shall appropriately document weed violations.
- viii. Photographs shall be taken, 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.
  - 1. This can be from areas where the public has a legal right to be without consent.
  - 2. This can be from a public way or private property, if consent is established.
  - 3. 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.

4. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
  - a. An Administrative Search Warrant is not required if the property is vacant and unsecure, unless it has “No Trespassing” signs or locked gates.
  - b. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.
- ix. The Code Official shall document his personal observation, as appropriate.
- x. The Code Official shall place a 12-inch reference marker adjacent to an example of the violation and take a close-up photograph of it to prove that the weeds exceed twelve (12) inches in height.
- xi. The Code Official shall take a second, more distant photograph of the violation and front of the structure on the premises, if applicable, identification purposes.
- xii. The Abatement Crew shall photograph the violation before and after the abatement process

c. Opening a New Case

- xiii. The Code Official shall open a new weed violation case in the database.
  1. The Code Official shall identify the location of the weed 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.
  2. The Code Official shall determine if there is an existing open weed violation case for the particular property to ensure there is no duplication of effort.
  3. The Code Official shall review any previous weed cases filed on that particular property to determine when the violation occurred.
    - a. If no weed violation occurred at any point in time during the current calendar year, the Code Official shall process a written notice of violation.
    - b. If a weed violation occurred at any point during the current calendar year, the Code Official shall forward the case to the Abatement Crew unless a warrant is required.
  4. The Code Official shall process a warrant for abatement, if the property in violation has “No Trespassing” signs or a locked gate.
- xiv. The Code Official shall attach all documentation associated with the particular weed violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation.

d. Inspection

- xv. The Code Official has the discretion to:
  - 1. Place the property on monitor for a period not to exceed seven (7) days.
  - 2. Cause a notice to be sent to the property owner.
  - 3. Deploy a door hanger with relevant information to inform the occupant of the violation and remedies.
- xvi. If a door hanger is utilized, the Code Official shall take one up-close photograph of the door hanger and a second photograph of the door hanger and the background of the posting for identification purposes.
- xvii. If a door hanger was utilized or the property is being monitored, the Code Official shall re-inspect the property following the date specified.
  - 1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  - 2. If the violation still exists, 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 generating a written notice of violation.
- xviii. Notice of Violation
  - 1. The Code Official shall generate a written notice of violation that contains all of the following relevant information as designated by the Code:
    - a. Description of the property sufficient for identification.
    - b. A statement that includes a description of the conditions and identifies the violation.
    - c. A statement that the property owner must abate the violation by the date designated in the notice.
    - d. A statement advising that any owner may request an appeal hearing.
      - i. The request shall be submitted on or before the date designated in the notice.
      - ii. The scope of the appeal shall be limited to the following: (1) whether the provisions of the Code apply; (2) whether the Code Official has correctly interpreted the Code; and/or (3) whether the requirements of the Code can be adequately satisfied by other means.

- e. A statement that if the violation is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation and assess the costs against the owner.
  - f. A statement advising that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.
  - g. A statement advising that no further notice will be given prior to cutting or removing weeds during the current calendar year.
2. The owner of the property shall abate the violation by the date designated in the notice. The date designated in the notice shall allow seven (7) days for abatement plus three (3) days for mailing for a total of ten (10) days from the date the notice was issued.
  3. Code Official shall send the notice to the property owner by certified mail and/or first-class mail.
    - a. Personal service may be substituted for certified mail.
    - b. A copy of the notice shall be sent by first class mail to the taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
    - c. If the certified mail or the first-class mail that was sent to the property owner is returned and the envelope has a forwarding address, the Code Official shall revise the abatement due date and resend the notice.
  4. In addition to the methods identified in this procedure, but not in lieu of, the Code Official may provide notice by other means, including, but not limited to, door hangers, conspicuously posting the notice on the property, personal notification, telephone and/or various means of electronic communication.
- xix. 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.
- xx. Re-inspection
1. The Code Official shall re-inspect the property after the date designated in the notice of violation to determine if the violation still exists.
    - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The

photographs shall be submitted as evidence to justify closing the case.

- b. If the violation has not been abated, 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 filing an administrative search warrant or proceeding with the abatement.
- c. If the property in violation has “No Trespassing” signs or a locked gate, the Code Official shall process a warrant for abatement. If a warrant is not necessary, the Code Official shall forward the case to the Abatement Crew.

xxi. Administrative Search Warrant

- 1. 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.
- 2. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
- 3. 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.
- 4. 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.
- 5. The Code Official and Abatement Crew may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
- 6. The Code Official and/or Abatement Crew shall photograph the property before, during, and after the abatement process. These photographs, and any corresponding notes taken, shall be attached to the case file.
- 7. At the conclusion of the warrant execution, the Code Official shall populate and sign the “return receipt” page attached to the warrant.
  - a. 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.
  - b. 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.

- c. The Code Official shall send the other copy of the warrant and “return receipt” to the District Court Judge.

xxii. 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

- xxiii. 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.

e. Case Management

- xxiv. 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.
- xxv. 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.
- xxvi. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
- xxvii. 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.

f. The Code Official has the discretion to file a Notice to Appear in addition to, or rather than, conducting an abatement of a violation.

xxviii. The Code Official serve the Notice to Appear following the designated methods of service.

xxix. 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.

xxx. If approved, the City Prosecutor will prosecute the case in Municipal Court.

xxxi. The Code Official shall attend the Court proceedings to assist the City Prosecutor

xxxii. The Code Official shall conduct re-inspection as ordered by the Court.

#### **D. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE INOPERABLE MOTOR VEHICLE 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 inoperable motor vehicle violations as defined by the 2018 International Property Maintenance Code (IMPC) 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 inoperable motor vehicle 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 Statues.

##### **II. Procedure**

a. Surveys and Complaints – The Code official shall regularly survey the city for inoperable motor vehicle violations and within forty-eight (48) hours, review all inoperative motor vehicle complaints that are received by Code Enforcement.

b. Documentation of Violations

xxxiii. The Code Official shall appropriately document inoperative motor vehicle violations.

xxxiv. Photographs shall be taken, 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.

1. This can be from areas where the public has a legal right to be without consent.
2. This can be from a public way or private property, if consent is established.
3. 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.
4. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
  - a. An Administrative Search Warrant is not required if the property is vacant and unsecured, unless it has “No Trespassing” signs or locked gates.
  - b. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.

xxxv. The Code Official shall document his personal observation, as appropriate.

c. Opening a New Case

xxxvi. The Code Official shall open a new an inoperable motor vehicle violation case in the database.

1. The Code Official shall identify the location of the inoperable motor vehicle 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.
2. The Code Official shall determine if there is an existing open inoperable motor vehicle violation case for the particular property to ensure there is no duplication of effort.

xxxvii. The Code Official shall attach all documentation associated with the particular inoperable motor vehicle violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation.

d. Inspection

xxxviii. The Code Official has the discretion to:

1. Place the property on monitor for a period not to exceed seven (7) days.
2. Cause a notice to be sent to the property owner.



3. Deploy a door hanger with relevant information to inform the occupant of the violation and remedies.
- xxxix. If a door hanger is utilized, the Code Official shall take one up-close photograph of the door hanger and a second photograph of the door hanger and the background of the posting for identification purposes.
- xl. If a door hanger was utilized or the property is being monitored, the Code Official shall re-inspect the property following the date specified.
  1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  2. If the violation still exists, 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 generating a written notice of violation.

xli. Notice of Violation

1. The Code Official shall generate a written notice of violation that contains all of the following relevant information as designated by the Code:
  - a. Description of the property sufficient for identification.
  - b. A statement that includes a description of the conditions and identifies the violation.
  - c. A statement that the property owner must abate the violation by the date designated in the notice.
  - d. A statement advising that any owner may request an appeal hearing.
    - i. The request shall be submitted on or before the date designated in the notice.
    - ii. The scope of the appeal shall be limited to the following: (1) whether the provisions of the Code apply; (2) whether the Code Official has correctly interpreted the Code; and/or (3) whether the requirements of the Code can be adequately satisfied by other means.
  - e. A statement that if the violation is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation and assess the costs against the owner.

- f. A statement advising that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.
  - 2. The owner of the property shall abate the violation by the date designated in the notice. The date designated in the notice shall allow five (5) business days for abatement from the date the notice was issued.
  - 3. Code Official shall send the notice to the property owner by certified mail and/or first-class mail.
    - a. Personal service may be substituted for certified mail.
    - b. A copy of the notice shall be sent by first class mail to the taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
    - c. If the certified mail or the first-class mail that was sent to the property owner is returned and the envelope has a forwarding address, the Code Official shall revise the abatement due date and resend the notice.
  - 4. In addition to the methods identified in this procedure, but not in lieu of, the Code Official may provide notice by other means, including, but not limited to, door hangers, conspicuously posting the notice on the property, personal notification, telephone and/or various means of electronic communication.
- xlii. 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.
- xliii. Re-inspection
  - 1. The Code Official shall re-inspect the property after the date designated in the notice of violation to determine if the violation still exists.
    - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    - b. If the violation has not been abated and the notice was personally served, or if the certified mail that was sent to the owner was not returned, 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 filing an administrative search warrant.

- c. IF the violation has not been abated, the notice was not personally served and the certified mail that was sent to the owner was returned without a forwarding address, the Code Official shall post a notice having a revised abatement due date in a conspicuous place on the property and take one up-close photograph of the notice and second photograph of the front of the structure with the property address and notice visible.
2. If the notice was posted, the Code Official shall re-inspect the property upon the expiration of the compliance period stated in the notice to determine if the violation still exists.
  - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  - b. If the violation has not been abated, 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 filing an administrative search warrant.

xliv. Administrative Search Warrant

1. 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.
2. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
3. 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.
4. The Code Official shall coordinate with the towing company to determine a reasonable date and time to execute the warrant.
5. The Code Official may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
6. The Code Official shall provide the vehicle identification number (VIN) and the license plate number to the Cherokee County Sherriff's Office dispatcher for verification of correct and current registration of the vehicle and for verification with the National Crime Information Center (NCIC) that the vehicle is not stolen.
7. If the Cherokee County Sherriff's Office dispatcher verifies that the vehicle is correctly and currently registered, the Code Official

shall not execute the warrant if a missing or out of date license plate was the only reason for violation.

8. The Code Official shall complete the seizure report form with vehicle information, NCIC verification and towing company information.
9. The Code Official shall list any damage to the vehicle, the condition of the interior of the vehicle and make notes of items inside the vehicle that can be seen from the outside of the vehicle.
10. The Code Official shall photograph the property before, during, and after the abatement process. These photographs, and any corresponding notes taken, shall be attached to the case file.
11. At the conclusion of the warrant execution, the Code Official shall populate and sign the “return receipt” page attached to the warrant.
  - a. 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.
  - b. 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.
  - c. The Code Official shall send the other copy of the warrant and “return receipt” to the District Court Judge,
- xlvi. Closing the Case – The Code Official shall close the case when the violation has been abated or no longer exists.

e. Case Management

- xlvi. 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.
- xlvii. 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.
- xlviii. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
- xlix. 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.
  1. The Code Official has the discretion to file a Notice to Appear in addition to, or rather than, conducting an abatement of a violation.
  - ii. The Code Official serve the Notice to Appear following the designated methods of service.
  - iii. 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.
  - iiii. If approved, the City Prosecutor will prosecute the case in Municipal Court.
  - iv. The Code Official shall attend the Court proceedings to assist the City Prosecutor
  - lv. The Code Official shall conduct re-inspection as ordered by the Court.

**E. CODE ENFORCEMENT: 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 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 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 Statues.

**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**

4. The Code Official shall open a new unsafe structure (emergency) case in the database.
5. 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.
6. 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 Coe 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, pursuant to K.S.A.12-1756.
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 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

- 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.

3. The Code Official serve the Notice to Appear following the designated methods of service.
4. 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.
5. If approved, the City Prosecutor will prosecute the case in Municipal Court.
6. The Code Official shall attend the Court proceedings to assist the City Prosecutor
7. The Code Official shall conduct re-inspection as ordered by the Court.

## **F. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE SECUREMENT 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 securement violations as defined by the 2018 International Property Maintenance Code (IMPC) 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 securement 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 Statues.

### **II. Procedure**

- a. Surveys and Complaints – The Code official shall regularly survey the city for securement violations and within forty-eight (48) hours, review all securement complaints that are received by Code Enforcement.
- b. Documentation of Violations
  - i. The Code Official shall appropriately document securement violations.

- ii. Photographs shall be taken, 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.
    - 1. This can be from areas where the public has a legal right to be without consent.
    - 2. This can be from a public way or private property, if consent is established.
    - 3. 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.
    - 4. If consent cannot be established, the Code Official shall determine if an Administrative Search Warrant is required to legally enter the property.
      - a. An Administrative Search Warrant is not required if the property is vacant and unsecured, unless it has “No Trespassing” signs or locked gates.
      - b. An Administrative Search Warrant is not required if the property is abandoned, unless it has “No Trespassing” signs.
  - iii. The Code Official shall document his personal observation, as appropriate.
  - iv. The Code Official shall determine whether the structure should be secured as an emergency securement or non-emergency securement.
- c. Opening a New Case
- i. The Code Official shall open a new securement violation case in the database.
    - 1. The Code Official shall identify the location of the securement 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.
    - 2. The Code Official shall determine if there is an existing open securement violation case for the particular property to ensure there is no duplication of effort.
  - ii. The Code Official shall attach all documentation associated with the particular securement violation, including photographs, notes, etc., which will be used as evidence to substantiate the violation.
- d. Emergency Securement
- i. This type of securement applies to situations in which there is an immediate and ongoing risk to the public and abatement needs to be completed within twenty-four (24) hours.

- ii. Emergency securement determination criteria would include, but not limited to:
    - 1. The structure is within five hundred (500) feet, one (1) block, of a school, church or park.
    - 2. The structure is illegally being used and/or inhabited by transients.
    - 3. The structure has damage that could cause injury to people or property.
    - 4. The structure has conditions that increase the risk of fire to neighboring structures.
    - 5. The structure has been secured by Code Enforcement in the past year.
    - 6. There have been past illegal actions/ violations at the property address (property history).
  - iii. The Code Official shall attempt to determine the name and contact information for the property owner.
  - iv. The Code Official shall inform the property owner that the structure is unsecure and, due to the above emergency securement criteria, shall be secured by them within twenty-four (24) hours.
  - v. The Code Official shall inform the property owner that failure to secure the structure within the twenty-four (24) hours would result in securement by the City with all costs assessed to the property owner.
  - vi. The Code Official shall re-inspect the property the next day to verify whether the property owner secured the structure.
    - 1. If the securement violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
    - 2. If the securement violation stills exists, the Code Official shall take photographs of the opening that need to be secured and forward the case to the Abatement Crew for securement.
- e. Non-emergency Securement
- i. The Code Official has the discretion to:
    - 1. Place the property on monitor for a period not to exceed seven (7) days.
    - 2. Cause a notice to be sent to the property owner.
    - 3. Deploy a door hanger with relevant information to inform the occupant of the violation and remedies.
  - ii. If a door hanger is utilized, the Code Official shall take one up-close photograph of the door hanger and a second photograph of the door hanger and the background of the posting for identification purposes.

- iii. If a door hanger was utilized or the property is being monitored, the Code Official shall re-inspect the property following the date specified.
  1. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  2. If the violation still exists, 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 generating a written notice of violation.

f. Notice of Violation

1. The Code Official shall generate a written notice of violation that contains all of the following relevant information as designated by the Code:
  - a. Description of the property sufficient for identification.
  - b. A statement that includes a description of the conditions and identifies the violation.
  - c. A statement that the property owner must abate the violation by the date designated in the notice.
  - d. A statement advising that any owner may request an appeal hearing.
    - i. The request shall be submitted on or before the date designated in the notice.
    - ii. The scope of the appeal shall be limited to the following: (1) whether the provisions of the Code apply; (2) whether the Code Official has correctly interpreted the Code; and/or (3) whether the requirements of the Code can be adequately satisfied by other means.
  - e. A statement that if the violation is not corrected or a hearing requested, the City may impose administrative penalties, abate the violation and assess the costs against the owner.
  - f. A statement advising that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.
2. The owner of the property shall abate the violation by the date designated in the notice. The date designated in the notice shall allow ten (10) days for abatement plus three (3) days for mailing for a total of thirteen (13) days from the date the notice was issued.

3. Code Official shall send the notice to the property owner by certified mail and/or first-class mail.
    - a. Personal service may be substituted for certified mail.
    - b. A copy of the notice shall be sent by first class mail to the taxpayer, purchaser under contract (PUC), loan company and resident (occupant).
    - c. If the certified mail or the first-class mail that was sent to the property owner is returned and the envelope has a forwarding address, the Code Official shall revise the abatement due date and resend the notice.
  4. In addition to the methods identified in this procedure, but not in lieu of, the Code Official may provide notice by other means, including, but not limited to, door hangers, conspicuously posting the notice on the property, personal notification, telephone and/or various means of electronic communication.
- ii. 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.
  - iii. Re-inspection
    1. The Code Official shall re-inspect the property after the date designated in the notice of violation to determine if the violation still exists.
      - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
      - b. If the violation has not been abated and the notice was personally served, or if the certified mail that was sent to the owner was not returned, 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 filing an administrative search warrant.
      - c. If the violation has not been abated, the notice was not personally served and the certified mail that was sent to the owner was returned without a forwarding address, the Code Official shall post a notice having a revised abatement due date in a conspicuous place on the property and take on up-close photograph of the notice and a second photograph of

the front of the structure with the property address and notice visible.

2. If the notice was posted, the Code Official shall re-inspect the property upon the expiration of the compliance period stated in the notice to determine if the violation still exists.
  - a. If the violation has been abated or no longer exists, the Code Official shall take photographs of the current condition of the property and close the case. The photographs shall be submitted as evidence to justify closing the case.
  - b. If the violation has not been abated, 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 filing an administrative search warrant or proceeding with the abatement.
  - c. If the property in violation has “No Trespassing” signs or a locked gate, the Code Official shall process a warrant for the abatement. If a warrant is not necessary, the Code Official shall forward the case to the Abatement Crew to be processed.

iv. Administrative Search Warrant

1. 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.
2. If approved, the warrant will be signed by the Code Official and sent to the District Court Judge for review.
3. 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.
4. 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.
5. The Code Official and Abatement Crew may utilize the services of the Columbus Police Department in an effort to avoid conflict and disturbing the peace.
6. The Code Official and/or Abatement Crew shall photograph the property before, during, and after the abatement process. These photographs, and any corresponding notes taken, shall be attached to the case file.

7. At the conclusion of the warrant execution, the Code Official shall populate and sign the “return receipt” page attached to the warrant.
  - a. 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.
  - b. 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.
  - c. The Code Official shall send the other copy of the warrant and “return receipt” to the District Court Judge.
- v. 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
- vi. 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.
- g. Case Management

- i. 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.
- ii. 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.
- iii. The Code Official shall, upon request, provide the property owner or occupant with a list of resources for assistance.
- iv. 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.
- h. The Code Official has the discretion to file a Notice to Appear in addition to, or rather than, conducting an abatement of a violation.
  - i. The Code Official serve the Notice to Appear following the designated methods of service.
  - ii. 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.
  - iii. If approved, the City Prosecutor will prosecute the case in Municipal Court.

**G. CODE ENFORCEMENT: STANDARD OPERATING PROCEDURE  
ADMINISTRATIVE HEARINGS**

**I. Purpose**

- A. The purpose of this procedure is to provide direction and a process in regards to scheduling and conducting administrative hearings as defined by the 2018 International Property Maintenance Code (IPMC) as codified in Ordinance 1441 of the latest version of the code of the city of Columbus, Kansas, hereafter referred to as the “Code”
- B. Administrative Hearings are scheduled for all Unsafe Structure cases per the Code. It is the policy of the City to schedule administrative hearings for Condemnation, Housing, Sanitation, Inoperative Motor Vehicle, Securement and Weed cases upon the property owner’s request. Except for Unsafe Structure cases, a property owner



to whom the imposition of a fee, charge or penalty has been issued may also request an Administrative Hearing in order to appeal all or part of the fee, charge or penalty.

## **II. Procedure**

### **A. Administrative Appeals**

1. Unsafe structure violations and unsafe structure total costs bills are excluded from appeals because the property owner has already been heard by the governing body.
2. For all other cases, the property owner shall have the right to appeal a notice of violation or a total costs bill to the governing body provided that a written application is submitted to the Code Official:
  - a. On or before the date designated in the notice of violations, or
  - b. Within ten (10) business days of the date on the total costs bill.
3. Appeals shall be based on a claim that:
  - a. The provisions of the Code do not apply;
  - b. The Code Official has incorrectly interpreted the Code; and/or
  - c. The requirements of the Code can be adequately satisfied by other means.
4. The property owner may not appeal a requirement imposed by the Code.
  - a. The intent of the appeal process is not to waive or set aside a requirement.
  - b. The intent of the appeal process is to provide:
    - i. A means of reviewing a Code Official's decision on an interpretation or application of the Code, or
    - ii. Reviewing a Code Official's decision to approve or reject the equivalency of compliance with a Code requirement.
5. A property owner may appeal the governing body's order to the district court pursuant to K.S.A 60-2101(d) and amendment thereto: (1) filing a notice of appeal with the Code Official within 30 days of the entry of the order, and (2) filing with the clerk of the district court copies of all pertinent proceedings associated with this action prepared by the Code Official, at the aggrieved property owner's request.

### **B. Notice of Hearing**

6. For unsafe structure cases, written notice of the hearing date and time shall be provided in the Complaint and Notice of Hearing that is sent to anyone having legal interest in the property. The hearing date shall be not less than ten (10) days nor more than thirty (30) days of the date on the Complaint and Notice Hearing.
7. For all other cases, written notice of the hearing date and time shall be provided to the property owner requesting the hearing within ten (10) calendar days of the hearing request.

### **C. Administrative Hearings**

1. Administrative Hearings shall be heard by the governing body.
- D. Guidelines for Administrative Hearing Exhibits
  1. For Inoperative Motor Vehicle, Weed, Sanitation, Securement, Housing and Condemnation cases, code official shall provide a copy of violation notice, photos, and any previous hearing order to the Governing body.
  2. For an Unsafe Structure initial hearing, the Code Official shall provide to the governing body and the property owner a copy of an "Unsafe Structure Report".
    - a. The "Unsafe Structure Report" shall consist of a cover page with case number, property address, structure type and a photograph of the structure, the Complaint and Notice of Hearing; the Certificate of Service from; the property owner information; the PRC and photographs of the exterior and interior of the structure.
    - b. For subsequent hearings, the Code Official shall provide to the governing body a copy of the previous hearing order and photos showing the current condition of the current structure.
- E. Administrative Hearing Procedure
  1. The hearing shall be conducted by the governing body.
  2. The governing body may administer oaths and affirmations, examine witnesses and receive evidence.
  3. The governing body shall afford the Code Official and property owner an opportunity for a hearing and shall consider all relevant evidence presented.
  4. The Code Official and property owner that intend to present evidence shall be sworn in prior to hearing the evidence.
  5. The Code Official shall present evidence of the violation to the governing body first.
  6. Thereafter, the property owner shall present evidence to the governing body.
  7. During the presentation of evidence, any dialog between the Code Official and the property owner shall be closely moderated by the governing body.
  8. The Code Official and the property owner shall have these rights, among other:
    - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
    - b. To introduce documentary and physical evidence;
    - c. To cross-examine witnesses on any matter relevant to the issues of the hearing;
    - d. To rebut the evidence;
    - e. To be represented by an attorney licensed to practice law in the State of Kansas.
  9. The hearing shall be limited to the issues set forth in the request for appeal or the Complaint and Notice of Hearing in the Unsafe Structures cases.
  10. Hearings need not be conducted according to the technical rules relating to evidence, Irrelevant and unduly repetitious evidence shall be excluded.

11. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
  12. Relevant evidence shall be admitted if it is the type of evidence which responsible persons are accustomed to relying on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
  13. The governing body shall require the Code Official and the property owner to conduct themselves in an orderly manner.
  14. Failure to comply with the directives of the governing body to obtain order may result in exclusion from the proceedings.
  15. The governing body may inspect any building or premises involved in the hearing prior to and/ or during the course of the hearing provided that:
    - a. Notice of such inspection shall be given to the Code Official and the property owner before inspection is made.
    - b. The Code Official and the property owner are given an opportunity to be present during the inspection, and
    - c. The governing body indicates to the Code Official and the property owner upon completion of the inspection the conditions observed, and the conclusions drawn there from.
    - d. The Code Official and the property owner shall have the right to rebut or explain the matter so stated by the Governing Body.
- F. Method and Form of Decision
1. The Governing Body shall affirm, modify or reverse the decision of the Code Official upon the determination that:
    - a. The notice of violation was served in accordance with the Code;
    - b. The provisions of the Code apply;
    - c. The Code Official has correctly interpreted the Code; and/or
    - d. The requirements of the Code cannot be adequately satisfied by other means.
  2. No violation, other administrative action or imposition of a fee, charge or penalty may be sustained by the Governing Body except upon proof by a preponderance of evidence.
  3. The Governing Body may grant continuances where the Governing Body find that there is practical difficulty or undue hardship and that such extension is consistent with the general purpose to secure compliance with the Code.
  4. Upon conclusion of the hearing, the Governing Body shall issue a determination of:

- a. Whether or not the administrative action was taken in accordance with city ordinances, whether or not a violation occurred and the amount of the administrative monetary penalty, if applicable, for the relevant violation. Upon issuance, such decision shall constitute a final determination.
  - b. Upholding the administrative action and/or imposition of an administrative fee, charge or penalty, including the amount thereof. Upon issuance, such decision shall constitute a final determination.
5. The Governing Body may order abatement of the violation, impose an administrative penalty, and assess the abatement costs against the property owner.
  6. For Unsafe Structures hearing, if the Governing Body determines the complainant was served in accordance with the Code; and the structure is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, such that is unreasonable to repair the structure, the Governing Body shall provide findings to that effect, in writing, and shall issue an order which requires the property owner to:
    - a. Demolish and remove the structure within a prescribed period of time;
    - b. Repair and/or make safe and sanitary the structure within a prescribed period of time if the structure is capable of being made safe by repairs;
    - c. Board up the structure for future repair, subject to conditions; or
    - d. Demolish or board up for future repairs a structure under construction where construction has ceased for more than two years. Boarding the structure for future repair shall not extend beyond one year, unless approved by the Governing Body.
  7. The Governing body shall prepare the hearing order at the time of the hearing.
    - a. If the property owner or the owner's legal representative appears at the hearing, the hearing order shall be personally served.
    - b. If there are no appearances, the hearing order shall be mailed by both certified mail and first-class mail for Unsafe Structures cases and by first-class mail for all other cases.
    - c. A copy of the order shall be attached to the case.

### **III. Case Management**

- A. The Code Official shall take photos of the violation on the property in question prior to the hearing
- B. The Code Official shall be prepared to discuss the violation and any and all documentation on the case regarding the violation.


**SECTION 8.** All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

**SECTION 9:** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

  
\_\_\_\_\_  
Grant Spieth, Mayor

ATTEST:

  
\_\_\_\_\_  
Cherri Chancellor, City Clerk

