

ORDINANCE NO. 2444

AN ORDINANCE AMENDING CHAPTER VIII OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 2 ENTITLED "PROPERTY MAINTENANCE CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION."

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

Section I.

Article 2 of Chapter VIII of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 2. PROPERTY MAINTENANCE CODE

8-201 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED

The International Property Maintenance Code, 2018 edition, published by the International Code Council, hereafter referred to as the 2018 IPMC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Property Maintenance Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2444," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

8-202 AMENDMENTS TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code of the City of Prairie Village, Kansas*, hereinafter referred to as "this code," "2018 IPMC," or the "IPMC."

8-203 DELETION OF SECTION 103.5 - FEES

Section 103.5 of the 2018 IPMC is hereby deleted.

8-204 AMENDMENT TO SECTION 106.4 – VIOLATION PENALTIES

Section 106.4 of the 2018 IPMC is hereby amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith or with any requirements thereof, may be prosecuted within the limits provided by state or local law in the Prairie Village Municipal Court. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the City under this Chapter.

1. Upon first conviction of a violation of any provision of this Chapter, a person shall be punished by a fine not exceeding \$500
2. Upon a second conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$200 and not more than \$750 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
3. Upon a third or subsequent conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$500 and not more than \$1,000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
4. For the purpose of determining whether a conviction is first, second, third, or subsequent in sentencing under this section, only convictions occurring in the immediate preceding three years shall be taken into account, but the Court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

8-205 ADDITION OF SECTION 108.8 – DAMAGE BY FIRE, EXPLOSION OR WINDSTORM; INSURANCE PROCEEDS

New Section 108.8 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

108.8 Damage by fire, explosion, or windstorm; insurance proceeds. Damage created by a fire, explosion or windstorm shall comply with the provisions below:

1. If fire, explosion, or windstorm causes damage to a structure that is covered by insurance and the covered claim payment is in excess of 75 percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed 15% of the proceeds of such policy. The insurer first shall pay all amounts due to the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the insurer to any party, or within 30 days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made

payable to the "City of Prairie Village" with no post-dating of the check or money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City.

2. The City shall release the insured's proceeds and any interest which has accrued thereon within 30 days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this chapter. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and /or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.
3. The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion or windstorm.
4. The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within 14 days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion or windstorms. A copy of the notice shall be maintained by the City Clerk.

8-206 AMENDMENTS TO SECTION 109.1 – IMMINENT DANGER

Section 109.1 of the 2018 IPMC is hereby amended to read as follows:

109.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in 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, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the

Code Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized under Kansas State Statute.

8-207 AMENDMENTS TO SECTION 110 – DEMOLITION

Section 110 of the 2018 IPMC is hereby amended to read as follows:

110.1 Order of demolition. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review 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, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.

110.2 Demolition or repair by the City. The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.

110.2.1 Code official's report. Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.

110.2.2 Notice and publication for hearing. The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

110.2.3 Hearing. On the date fixed for hearing or any adjournment

thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.

110.2.4 Findings and resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.

If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.

110.2.5 Action, assessment, and collection of costs by the City. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.

The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following the receipt of such notice. If the cost is

not paid within the thirty (30) day period and there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto, are insufficient to pay the costs of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. 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.

Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.

110.3 Duties of owner after removal of structure. The owner of any structure, upon removing the same, shall remove concrete spoils, debris, and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.

110.4 Deleted. 110.4 of the 2018 IPMC is hereby deleted.

8-208 ADDITIONS TO SECTION 202 - GENERAL DEFINITIONS

Section 202 of the 2018 IPMC is hereby amended by adding the following definitions:

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

GRAFFITI. Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, public restroom, or the like.

NOXIOUS PLANTS. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

RANK WEEDS. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted spurge, velvet leaf, indian mallow,

sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod.

THICKETS. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one half inches in diameter.

VEHICLE. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

VEHICLE; INOPERABLE. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure

8-209 AMENDMENTS TO SECTION 302.2 – GRADING & DRAINAGE

Section 302.2 of the 2018 IPMC is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to include grass or suitable ground cover to prevent the erosion of soil and to prevent the accumulation of standing and/or stagnant water thereon, or within any structure located thereon.

8-210 AMENDMENTS TO SECTION 302.4 – WEEDS AND THICKETS

Section 302.4 of the 2018 IPMC is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the 2018 IPMC and as prescribed in the City of Prairie Village municipal code. 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 and/or uncontrolled thickets growing thereon, and the costs of

such removal shall be paid by the owner or agent responsible for the property.

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

302.4.2 Notice to remove. The code official or an authorized agent shall issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)

Such notice shall include the following:

1. That the owner, occupant, or agent is in violation of the City weed control ordinance.
2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".
3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.
4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.
5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy

such costs against the property as a special assessment. And further pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.

6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.
7. That separate from and independent of any abatement action of the weed violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.
8. That the code official shall be contacted if there are any questions regarding the notice and order.

In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed above, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed above, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant Kansas State Statute.

302.4.3 Abatement; assessment of costs. If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized designee, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.

The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.

If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at

the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by Kansas State Statute, and amendments thereto.

If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article.

302.4.4 Right of entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

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

8-211 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the 2018 IPMC is hereby amended to read as follows:

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

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be

unlawful for any person to maintain or permit any motor vehicle nuisance within the City. A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

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

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;
2. The parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations.

Nothing in this section shall be construed to authorize the maintenance of a public nuisances.

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

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

302.8.4 Notice. Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally served; In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official or designee shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.

302.8.5 Contents of notice. The notice shall state the conditions(s) which is (are) in violation of Section 302.8.1. The notice shall also include the following:

1. He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);
2. He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.
3. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.

302.8.6 Failure to comply; penalty. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be fined an amount consistent with the violation penalties outlined in 106.4 of the IPMC, as adopted by the City.

302.8.7 Abatement. In addition to, or as an alternative to prosecution as provided in Section 302.8.6, the code official or designee may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official or designee may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

1. Personal service upon the person in violation;
2. Service by certified mail, postage prepaid, return receipt requested;
3. In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.

302.8.8 Disposition of vehicle. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by Kansas State Statute.

302.8.9 Hearing. If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.

302.8.10 Costs assessed. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

302.8.11 Inoperable vehicles; authorization of code official to order removal. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to tow and remove the vehicle as provided by Kansas State Statute.

302.8.12 Parking and storage of inoperable vehicles in residential zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is in an inoperable condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in

excess of forty eight (48) hours unless such vehicle is placed in an enclosed structure.

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

302.8.13 Parking and storage of inoperable vehicles in commercial zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that section 302.8.14 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.

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

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

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

8-212 AMENDMENTS TO SECTION 304.7 – ROOFS AND DRAINAGE

Section 304.7 of the 2018 IPMC is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, not missing shingles or any other roofing component, not have holes, or other obvious visible damage or deterioration, nor have any other defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or discharges the water directly onto adjacent property.

8-213 ADDITION OF SECTION 302-10 – ANIMAL SANITATION

New Section 302.10 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

302.10 Animal sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal waste shall not be disposed of in an open ditch or storm drain. All carcasses of animals shall not remain exposed after death.

8-214 ADDITION OF SECTION 302.11 – POOLS OF WATER

New Section 302.11 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

302.11 Pools of water. Ponds, reservoirs, swimming pools or any other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.

8-215 AMENDMENTS TO SECTION 304.14 – INSECT SCREENS

Section 304.14 of the 2018 IPMC is hereby amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screened door used for insect control shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

8-216 AMENDMENTS TO SECTION 304.19 – GATES AND FENCES

Section 304.19 of the 2018 IPMC is hereby amended to read as follows:

304.19 Gates and fences. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. All fencing shall be maintained in good condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence and be in compliance with the zoning regulations. Where fences have been painted, all peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

8-217 ADDITION OF SECTION 308.1.1 – TRASH AND REFUSE

New Section 308.1.1 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

308.1.1 Trash and refuse. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, yard waste or refuse on any property, drainage course or other land is prohibited. Such items include those that impede mowing of weeds or tall grass, negatively impact surrounding properties, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.

8-218 ADDITION OF SECTION 310 – STORAGE OF USEFUL ITEMS

New Section 310 is hereby added to the 2018 IPMC, as adopted by the City, read as follows:

310.1 Storage of useful items on residential property. No person shall place, construct, install affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section. The following items, objects, or structures are permitted:

1. Any item, object or structure permitted under the applicable provisions of the zoning ordinance, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or permitted accessory uses.
2. Authorized trash containers.
3. Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
4. Swing sets and other similar recreational equipment.

310.2 Storage of all other items. Any item, object or structure not specifically authorized in 310.1 must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of quality compatible with the immediate

neighborhood as determined by the code official. Such screening shall be constructed and maintained in accordance with applicable city codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

310.3 Storage of items on non-residential property. With respect to all property other than that covered by 310.1, no person shall place, construct, install, affix or store, or allow to remain, any item, object or structure except those specified in 310.1.

310.4 Permitted items limited. Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by 310.2 above, in measuring the area occupied by such items, objects, or structures to determine if the permitted 20 percent is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in 310.1 (items 1-3) above.

8-219 AMENDMENTS TO SECTION 602.3 – HEAT SUPPLY

Section 602.3 of the 2018 IPMC is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of not less than 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 2018 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.

8-220 AMENDMENTS TO SECTION 602.4 – OCCUPIABLE WORK SPACES

Section 602.4 of the 2018 IPMC is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 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 II. Repeal of Prior Ordinances.

Article 2 of Chapter VIII of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

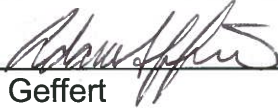
PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.



Eric Mikkelson, Mayor

ATTEST:



Adam Geffert
City Clerk

APPROVED AS TO LEGAL FORM:



David E. Waters
City Attorney