

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 8, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 5, AND OTHER SECTIONS IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That Article 5 of Chapter 8 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

8-501. INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Property Maintenance Code, 2018 edition, ["IPMC"] prepared and published in book form by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added thereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. At least one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

(Code 2000)
(Ord. 1510C; 08-07-95)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-502. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 101.1. TITLE. Section 101.1 of the IPMC is hereby amended to read as follows: **Title.** These regulations shall be known as this code, the IPMC, or the Property Maintenance Code of the City of Leawood, Kansas.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-503 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 101.2. SCOPE. Section 101.2 of the IPMC is hereby amended to read as follows: **Scope.** The provisions of this code shall apply to all residential and nonresidential structures, all premises, residential and nonresidential lands, and vacant lands and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, or authorized agents, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-2008)

8-504. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 102.3. APPLICATION OF OTHER CODES. Section 102.3 of the IPMC is hereby amended to read as follows: **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and the NFPA 70 National Electrical Code* as adopted in the Code of the City of Leawood, 2000. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Leawood Building Code* or the *Leawood Development Ordinance*.

(Ord. 1646C; 01-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-505. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 102.6. HISTORIC BUILDINGS. Section 102.6 of the IPMC is hereby amended to read as follows: **Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings and protected by other provisions of law, when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 1646C; 01-20-97)
(Ord. 2302C; 02-04-08)

8-506. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 103.5 FEES. Section 103.5 of the IPMC is hereby amended to read as follows: **Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City of Leawood Fee Schedule.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-507. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 106.1. UNLAWFUL ACTS. Section 106.1 of the IPMC is hereby amended to read as follows: **Unlawful Acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Enforcement investigation and, if necessary further proceedings, shall be initiated by the code official upon his/her own initiative or upon receipt of a complaint.

(Code 2000)
(Ord. 1646C; 01-20-97)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-508. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 106.4. VIOLATION PENALTIES. Section 106.4 of the IPMC is hereby amended to read as follows: **Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Any person who shall violate such provisions shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisonment for a term not to exceed thirty (30) days, or both, and shall be ordered to correct the violation or make restitution for the correction of the violation thereof, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-509. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.1. NOTICE TO PERSON RESPONSIBLE. Section 107.1 of the IPMC is hereby amended to read as follows: **Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the code official shall issue the owner of record, or current occupant, a courtesy notice for first time offenders. A minimum of forty eight (48) hours from date of notice shall be given for initial response to the City with a minimum of ten (10) days given for corrections, or additional time as may be determined by the code official. The code official shall make an inspection at the end of the prescribed time period. If the corrections are satisfactory, the case shall be closed. If the work is not completed, or if the violation is alleged to have been made by a person or party who has previously had notice of a codes violation, then the code official shall issue a written complaint and notice to appear, setting a court date before the Municipal Court.

(Ord. 2302C; 02-04-08)

8-509A. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.2. FORM. Section 107.2 of the IPMC is hereby amended to read as follows: **Form.** Such courtesy notice as described in Section 107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a compliance date, allowing a reasonable time to make the repairs and improvements required to bring the property into compliance with the provisions of this code.

It shall not be a defense or issue in any action taken pursuant to the IPMC that the person responsible for the property did not personally receive the courtesy notice, provided it was served in compliance with Section 107.3. It shall not be a defense or issue in any action taken pursuant to the IPMC that the courtesy notice did not include all information required, so long as the notice was in substantial

compliance with this Section.

8-510. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.3. METHOD OF SERVICE. Section 107.3 of the IPMC is hereby amended to read as follows: **Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address.
3. In addition to the above service options, a copy of such notice may be posted in a conspicuous place on or about the structure affected by such notice.

(Ord. 2302C; 02-04-08)

8-511. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 108.3. NOTICE. *Repealed.*

(Ord. 2302C; 02-04-08)

8-512. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.1. DEMOLITION. Section 110.1 of the IPMC is hereby amended to read as follows: **General.** Except as otherwise authorized by K.S.A. 12-1750 et seq. and Section 109.1 of this code, the code official may only order the owner of any premises to have a structure razed or removed per action of the Governing Body after hearing.

(Ord. 2302C; 02-04-08)

8-513. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.2. UNREASONABLE REPAIRS. Section 110.2 of the IPMC is hereby amended to read as follows: **Unreasonable repairs.** Whenever the code official determines that the cost of repairs required by this code may exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a nuisance and the City may proceed in accordance with the provisions of K.S.A. 12-1750 et seq.

(Ord. 2302C; 02-04-08)

8-514. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.3. ORDER. Section 110.3 of the IPMC is hereby amended to read as follows: **Order.** Following an order by the Governing Body, after a hearing to remove or raze a structure pursuant to K.S.A. 12-1750 et seq., the owner shall have a minimum of sixty (60) days to comply with such order. The owner, after showing good cause, may petition the Governing Body for an extension of time for compliance. It shall be at the discretion of the Governing Body whether or not to grant additional time for compliance. If after the sixty (60) days or additional time, if granted by the Governing Body, has expired and the order has not been completed the code official may order the structure removed or razed immediately by private contract.

- (a) Anyone affected by any such order shall have thirty (30) days after the decision of the Governing Body to appeal to the district court of the county in accordance with law.

(Ord. 2302C; 02-04-08)

8-515. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.4.

FAILURE TO COMPLY. Section 110.4 of the IPMC is hereby amended to read as follows: **Failure to comply.** If the owner of a premises fail to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Ord. 2302C; 02-04-08)

8-516. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTIONS 111 MEANS OF APPEAL THROUGH 111.8 STAYS OF ENFORCEMENT, DELETED AND OMITTED. The following sections of the International Property Maintenance Code are hereby deleted and omitted: Section 111 Means of Appeal, Section 111.1, Application for Appeal, Section 111.2, Membership of Board, Section 111.2.1 Alternate members, Section 111.2.2 Chairman, Section 111.2.3, Disqualification of member, Section 111.2.4 Secretary, Section 111.2.5 Compensation of members, Section 111.3 Notice of meeting, Section 111.4 Open Hearing, Section 111.4.1 Procedure, Section 111.5 Postponed hearing, Section 111.6 Board decision, Section 111.6.1 Records and copies, Section 111.6.2 Administration, Section 111.7 Court review, and Section 111.8 Stays of enforcement.

(Ord. 2302C; 02-04-08)

8-517. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 202. GENERAL DEFINITIONS. Section 202 of the IPMC is hereby amended to include the following definitions:

NOXIOUS WEEDS. Any noxious weed as defined by KSA § 2-1314 and amendments thereto.

RUBBISH. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as “trash”.

STORAGE. The uninterrupted placement of materials for a period exceeding 48 hours.

(Ord. 2302C; 02-04-08)

8-518 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 301.2. RESPONSIBILITY. Section 301.2 of the IPMC is hereby amended to read as follows: **Responsibility.** The owner or occupant of a structure or part thereof shall keep the structure and property in compliance with this code and shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

All equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

In every multiple dwelling rental unit complex (multiple buildings) in which the owner does not reside there shall be a responsible person, designated by the

owner, residing on the premises, whose duties shall include premises maintenance.

Nonresident owners of residential rental property within the City of Leawood, shall designate an agent who shall either reside within the City or metropolitan area, and shall be authorized to accept service of notice under the provisions of this code. It shall be the owner's responsibility to register said agent with the City.

(Ord. 2302C; 02-04-08)

8-519. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.2. GRADING AND DRAINAGE. Section 302.2 of the IPMC is hereby amended to read as follows: **Grading and drainage.** All premises shall be graded and maintained so as to prevent the erosion of soil and the accumulation of stagnant water thereon, or within any structure located thereon.

1. Landowners shall not divert water from their property to an adjacent property in such a fashion as to cause erosion, flooding or pooling of water or otherwise cause damage to the adjacent property.
 - (a) It shall be *prima facie* evidence of a violation of this section if downspouts from gutters discharge within 10 feet of an adjoining property line or if such downspouts are connected to underground drains that surface and discharge within 10 feet of an adjoining property line and if that property is experiencing flooding, silt or other storm water damages from the general area where such drain exists.
 - (b) It shall be *prima facie* evidence of a violation of this section if sump pump drains discharge within 15 feet of an adjoining property and if that property is experiencing flooding, silt or other storm water damages from the general area where such drain surfaces.
2. All detention and retention storm water basins shall be maintained by the owner, developer, custodian or other person responsible for the property. Such maintenance shall include but not be limited to:
 - (a) The cleaning of storm sewers and other drainage appurtenances serving the said basin so that the said installations function as designed; and
 - (b) The removal of any garbage, rubbish, silt, topsoil or other foreign material which creates an unsanitary condition or prevents or impedes the leaching action of the said basin.

(Ord. 2302C; 02-04-08)

(Ord. 2336C; 08-18-08)

8-520. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.3. SIDEWALKS AND DRIVEWAYS. Section 302.3 of the IPMC is hereby amended to read as follows: **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All off street parking

facilities shall be kept free of debris including, but not limited to, trash, gravel, mud, blowing paper, etc.

(Ord. 2302C; 02-04-08)

8-521. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.4. TREES, GRASS, WEEDS AND COMPOST. Section 302.4 of the IPMC is hereby amended to read as follows: **Trees, Grass, Weeds and Compost.** Trees, Grass, Weeds and the trimmings thereof and compost shall be maintained as follows:

- (a) **Trees and shrubbery.** All trees and shrubbery shall be maintained free of disease and/or decay. In the event that death occurs in any tree shrub or other plant material the owner of the premise shall without delay remove same. Upon notice from the code official the owner shall remove dead or dying tree(s) or other plant material so specified within thirty (30) days from legal notice as required by this code.
- (b) **Brush and lawn trimmings.** Each and every owner, tenant, or occupant of any dwelling or other building in the city shall place lawn trimmings, brush trimmings, and other yard debris in suitable containers or tied in bundles. The containers and bundles shall not be placed at the street curb more than twenty four (24) hours prior to the anticipated time of collection. All trimmings prior to collection shall be placed behind the front building line or front line of the house whichever is greater.
- (c) **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches in any platted area or within one hundred (100) feet of any platted area, developed area or any public street or right-of-way. All noxious weeds shall be prohibited. Weeds and plant growth 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 of 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.
- (d) **Compost.** All compost materials shall be placed in containers designed or constructed for same; be located in rear yards only; be a maximum height of four (4) feet and be located a minimum of ten (10) feet from any property line. Such containers shall be designed or be constructed to prevent rodent infestation. All compost areas shall be visually screened from adjoining property view.

(Ord. 2302C; 02-04-08)

8-522. INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION, SECTION 302.8. MOTOR VEHICLES. Section 302.8 of the IPMC is hereby amended to read as follows: **Motor Vehicles.**

- (a) Except as provided for in other regulations or as may be stored in an enclosed garage, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time

be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Repair of occupant owned vehicles within residential areas shall only be allowed between the hours of 8:00 am and 9:00 pm and shall be allowed within the garage area itself. Nothing in this section shall supersede the enforcement of the City's public nuisance or disturbing the peace ordinance.

- (b) Where the license plate of a vehicle parked or stored on any premises is screened from view by an adjacent structure or vegetation, or by a cover, tarp or similar object or is otherwise not visible, then the vehicle shall be deemed to be an inoperable vehicle in violation of this section. This determination of inoperability may be voided if the property owner or vehicle owner or resident demonstrates to the code official that the vehicle is operable on a public street and has a license plate and current registration. Such demonstration and proof shall be provided to the code official within 15 days from the date when a notice of violation was first given to the property owner, vehicle owner or resident.

(Ord. 2302C; 02-04-08)

(Ord. 2755C; 10-19-15)

8-523.

INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.9. DEFACEMENT OF PROPERTY. Section 302.9 of the IPMC is hereby amended to read as follows: **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

- (a) **Defacement violation, penalty.** Any person who is convicted of violating this section shall be punished by a fine of not exceeding one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.
- (b) **Defacement, notice of removal.** Whenever the code official determines that defacement has occurred on any public or private building, structure and place which are visible to any person utilizing any public right-of-way in this city, be this road, parkway, alley or otherwise, and that seasonal temperatures permit the painting of exterior services, the code official shall cause a notice to be issued to abate such nuisance. The property owner shall have forty eight (48) hours after the date of the notice to remove the defacement, or the conditions will be subject to abatement by the city.

The notice to abate the defacement pursuant to this section shall cause a courtesy notice to be served upon the owner(s) of the affected premises. If there is no known address for the owner, the notice shall be sent in care of the property address.

- (c) **Defacement, costs declared lien.** Any and all costs incurred by the city in the abatement of a defacement nuisance under the provision of this code may constitute a lien against the property upon which such nuisance existed.

- (d) **Defacement, removal by city.** Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the code official approves, then the code official is authorized and directed to cause the defacement to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate defacement shall be as close as practicable to the background color(s). If the code official provides for the removal of the defacement, the code official shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the defacement is located.
(Ord. 2302C; 02-04-08)

8-524. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.10. LOADING AREAS. A new section 302.10 of the IPMC is hereby added to read as follows: **Loading areas.** All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.
(Ord. 2302C; 02-04-08)

8-525. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.11. PUBLIC AREAS. A new section 302.11 of the IPMC is hereby added to read as follows: **Public areas.** Grass, landscaping, and trees located within subdivision traffic control islands shall be the maintenance responsibility of the homes associations. Monuments, landscaping, trees, fountains and lighting located on private property at the entrance to residential subdivisions and/or commercial property shall be the responsibility of the homes association and/or the individual property owner.
(Ord. 2302C; 02-04-08)

8-526. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.12. SCREENING. A new section 302.12 of the IPMC is hereby added to read as follows: **Screening.** All existing open storage areas shall be completely obscured from surrounding property by a solid screen up to 6 feet in height as required by the code official.
(Ord. 2302C; 02-04-08)

8-527. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 303.2. ENCLOSURES. Section 303.2 of the IPMC is hereby amended to read as follows: **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that

reduces its effectiveness as a safety barrier.

(Ord. 2302C; 02-04-08)

8-528. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 304.6.1. WALL SURFACES. A new section 304.6.1 of the IPMC is hereby added to read as follows: **Wall Surfaces.** Wall surfaces, other than brick, stucco or stone, shall be treated to prevent deterioration in a manner that creates a harmonious and uniform appearance. Aggregate wall areas (complete sides or sections) shall be similarly treated with like substances (i.e. paint or stain) to create a cohesive look. Such treatment shall give the wall section a uniform appearance in color and at no time shall portions of wall surfaces be allowed to deteriorate or treated with dissimilar substances creating a patchwork appearance. The only exceptions to this requirement is when a wall surface is being primed prior to final application of wall surface treatment or trim work that may be in a different color to provide contrast.

(Ord. 2302C; 02-04-08)

8-529. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 304.10. STAIRWAYS, DECKS, PORCHES, BALCONIES AND OTHER APPURTENANCES. Section 304.10 of the IPMC is hereby amended to read as follows: **Stairways, decks, porches, balconies and other appurtenances.** Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All splash blocks, fences, tennis courts and other similar appurtenances shall be maintained in a serviceable and safe condition.

(Ord. 2302C; 02-04-08)

8-530. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.3.1. BATHROOM AND KITCHEN FLOORS. A new section 305.3.1 of the IPMC is hereby added to read as follows: **Bathroom and kitchen floors.** Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water, except when carpeting is used, and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. 2302C; 02-04-08)

8-531. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.7. HOUSEHOLD APPLIANCES. A new section 305.7 of the IPMC is hereby added to read as follows: **Household appliances.** All built-in appliances shall be serviceable and maintained in a sanitary condition.

(Ord. 2302C; 02-04-08)

8-532. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.8. FIRE EXTINGUISHERS. A new section 305.8 of the IPMC is hereby added to read as follows: **Fire extinguishers.** At least one fire extinguisher for each dwelling unit shall be provided and shall be located in the kitchen area.

(Ord. 2302C; 02-04-08)

8-533. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 308.1. ACCUMULATION OF RUBBISH OR GARBAGE. Section 308.1 of the IPMC is hereby amended to read as follows: **Accumulation of rubbish or garbage.** No

person shall dump, deposit or store on any property whether owned, dedicated to public use or upon the property of any person, nor to allow to fall or be washed upon any street or upon any property of any other person rubbish, dirt, earth, building materials, debris, refuse, cans, garbage or grass clippings, unless such materials are placed in containers in accordance with Section 8-534 and stored inside a garage or structure. Also, no person shall dump, deposit or store on any property, whether dedicated to public use, property of any person or their own property, junked or otherwise inoperative equipment, vehicles, machinery or appliances. Operable farm equipment or implements which are used in agricultural areas are excluded. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage not appropriately stored in accordance with this code.

(Ord. 2302C; 02-04-08)

8-534. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 308.3.2. CONTAINERS. Section 308.3.2 of the IPMC is hereby amended to read as follows: **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

- (a) **One and Two Family Residential.** Each and every owner, tenant, housekeeper, or other person occupying any one or two family dwelling within the city shall provide and renew when necessary a sufficient number of trash containers of rigid construction with tight fitting covers to hold the trash accumulating there at. Such trash containers shall be placed at the curb no earlier than 6:00 pm the evening preceding the day on which the trash is anticipated to be collected by the regular trash collection service subscribed to by the occupant or owner.
- (b) **Multi Family.** Each multi-family complex consisting of more than 2 dwelling units shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting cover or dumpsters to adequately contain the refuse and waste produced at such location. Such containers shall comply with the Leawood Development Ordinance requirements for screening.
- (c) **Business and Industrial.** Each and every business and industry shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting covers to adequately contain the refuse and waste produced at such location and such containers shall be kept closed except when depositing and removing materials. Such containers shall comply with the Leawood Development Ordinance for screening.

(Ord. 2302C; 02-04-08)

8-535. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 309.1. INFESTATION. Section 309.1 of the IPMC is hereby amended to read as follows: **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. Continued and repeated (3 or more) incidents of rodent infestation determined from the official records as provided in Section 104.6 of this code shall require the installation of rodent and vermin proof walls. The walls shall be installed in accordance with the

8-536.

INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 405. LICENSING AND MINIMUM STANDARDS FOR RENTAL DWELLING UNITS. A new section 405 of the IPMC is hereby added to read as follows: **LICENSING AND MINIMUM STANDARDS FOR RENTAL DWELLING UNITS.**

(a) License and Certificate of Occupancy

1. **Rental license required.** No person, firm or corporation shall lease or rent, or offer for lease or rent, any portion of a dwelling unit. No person, firm or corporation shall lease or rent, or offer for lease or rent, a dwelling unit for a period of less than 30 days. No person, firm or corporation shall lease or rent, or offer for lease or rent, any dwelling unit for a period of 30 days or more without first making application to the City for a rental license therefore, paying to the City the license fee hereunder prescribed and obtaining such license from the City. Prior to issuance of a rental license, an inspection per subsection (a)(5) shall be made of the entire structure and premises for which an application is sought for conformance of this code.
2. **Renewal of rental license.** Application for renewal of the rental license shall be made no more than sixty (60) days and no less than seven (7) days prior to the expiration of the current rental license.
3. **License fee.** An annual license fee shall be paid by the owner on or before the 1st of January each year in accordance with the City of Leawood Fee Schedule.
4. **Occupancy certificate required.** No person shall occupy, or allow occupancy of, any rental dwelling unit without first making application to the City for a Certificate of Occupancy therefore, paying to the City the inspection fee as designated in the City of Leawood Fee Schedule and receiving an approved inspection as required in subsection (a)(5).
5. **Inspection required.** Prior to the issuance of a rental license, the code official shall inspect the entire structure and premises for violations of building and property maintenance codes. Such inspections for the issuance of a rental license shall be required upon the initial application only. Inspections shall be required after the dwelling unit has been vacated by one tenant and prior to the re-occupancy by another, except that when a dwelling unit has been inspected anytime within the previous six (6) months of such vacation, a new inspection shall not be required.
6. **Denial of rental license.** An application for a rental license shall be denied if:
 - a. The owner refuses to grant access to any part of the dwelling unit or premise for a required inspection; or
 - b. The code official finds or determines that there exists in the dwelling unit or on the premises a violation of building or property maintenance codes; provided, however that whenever the code official in inspecting a rental dwelling unit finds or determines that there exists in the dwelling unit or on the premise a violation of building or property maintenance codes, the code official shall provide written notice to the owner or applicant detailing such violation and informing the owner or applicant that a reinspection of the dwelling unit will be performed after notification to the City that

the violation(s) of the building or property maintenance codes have been corrected; or

- c. The desired type or length of rental is not permitted by this code.
- 7. **Registration of Agents.** No rental license shall be issued or renewed for an applicant, unless such applicant designates in writing to the City the name of the agent, as provided by Section 301.2 of this code, for the receipt of service of the notice of violation of the provisions of this code and for service of process pursuant to this code.
- 8. **Definition.** For purposes of this section, Dwelling Unit shall have the same meaning as defined at Section 16-9-96 of the LDO.

(b) Expiration and Revocation

- 1. **Expiration of rental license.** The rental license shall expire on December 31 following its date of issuance unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year.
- 2. **Revocation of license.** The rental license may be revoked by the City if there exists for any structure or premises a history of three (3) or more violations of the City's building or property maintenance codes, or if the dwelling unit is being rented or offered for rent in violation of this code or the Leawood Development Ordinance. Before revoking a rental license, the City shall give the owner and owner's agent (pursuant to Section 301.2), if any, at least ten (10) days written notice and the opportunity for review by the City Administrator or their designee. If the owner or agent requests review, the revocation will be stayed pending the review, but in no event more than fourteen (14) days from the original effective date of the revocation. The City Administrator, or their designee, may uphold or rescind the revocation, and if applicable, specify certain conditions and stipulations therewith. The decision of the City Administrator, or their designee, is final.

Following revocation of a rental license, any tenant or rental occupant must vacate the premises within thirty (30) days. Any owner or applicant who has had a rental license revoked two or more times, for the same or different properties, cannot reapply for a rental license for any property in the City for a minimum of twelve (12) months following the most recent license revocation.

- (c) **Request for Inspection.** Nothing herein shall be construed to prohibit an inspection by the code official of any dwelling unit when requested by the tenant or occupant of said dwelling unit. Fees for tenant requested inspections shall be borne by the tenant and paid for prior to the inspection being made.

(Ord. 2302C; 02-04-08)
(Ord. 2855C; 09-05-17)

**8-537. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 604.2. SERVICE.
Repealed.**

(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-538. WEEDS TO BE REMOVED.

It shall be unlawful for any property owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

(Ord. 1646C; 1-20-97)

(Code 2000)

(Ord. 1940C; 01-22-02)

(Ord. 2302C; 02-04-08)

8-539. DEFINITIONS.

- (a) **Calendar Year** as used herein, means that period of time beginning January 1 and ending December 31 of the same year.
- (b) **Noxious Weeds** –For the purpose of this Section, the term *Noxious Weeds*, means those items listed in K.S.A. § 2-1314, or any amendments thereto, and those further declared as such pursuant to K.S.A. § 2-1314(b), and shall include: kudzu [*Pueraria lobata*], field bindweed [*Convolvulus arvensis*], Russian knapweed [*Centaurea picris*], hoary cress [*Lepidium draba*], Canada thistle [*Cirsium arvense*], quackgrass [*Agropyron repens*], leafy spurge [*Euphorbia esula*], bur ragweed [*Ambrosia grayii*], pignut [*Hoffmannseggia densiflora*], musk [nodding], thistle [*Carduus nutans L.*], Johnson grass [*Sorghum halepense*], lespedeza [*Lespedeza cuneata*], and multiflora rose [*Rosa multiflora*] or any plants which are poisonous to the touch, including but not limited to, poison ivy, poison oak, and poison sumac.
- (c) **Property Owner** – shall mean the named property owner as indicated by the records of the Register of Deeds or Appraiser's office in Johnson County, Kansas, and for purposes of this Article, shall include an owner of property abutting the streets, alleys, avenues, boulevards, public easements and public rights-of-way.
- (d) **Public Officer** – shall mean the Neighborhood Services Administrator, an authorized assistant, authorized representative, or his/her designee.
- (e) **Rank Vegetation** – shall mean any annual or perennial herbaceous plants, including grasses, of volunteer growth, not cultivated or of any agricultural nature nor useful for human food or enjoyment which, because of its height, but not less than twelve inches [12"], will be a fire menace, harbor rats, insects or other creatures or will have blighting influence upon the neighborhood.
- (f) **Weeds** as used herein, means any of the following: (1) Brush and woody vines shall be classified as weeds; (2) Plant matter which may attain such large growth as to become, when dry, a fire menace to adjacent improved property; (3) Plants which bear or may bear seeds of a downy or wingy nature; (4) Plants which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare; (5) Weeds and indigenous grasses on or about residential property which, because of height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 10 inches in height.

(Ord. 1646C; 1-20-97)

(Code 2000)

(Ord. 1940C; 01-22-02)

(Ord. 2302C; 02-04-08)

8-540. CITY CLERK; NOTICE TO REMOVE.

The City Clerk shall notify the property owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this ordinance, in writing by certified mail, return receipt requested mail or by personal service, once per calendar year as set forth in K.S.A. 12-1617f. If property is unoccupied and the property owner is a nonresident, such notice shall be sent by certified mail, return receipt requested to the last known address. Such notice shall include the following information:

- (a) That the property owner, occupant or agent in charge of the property is in violation of the city weed control law;
- (b) That the property owner, occupant, or agent in charge of the property is ordered to cut the weeds within five days of the receipt of notice;
- (c) That the property owner, occupant or agent in charge of the property may request a hearing before the Governing Body or its designated representative within five days of the receipt of notice, and said hearing shall be set on the agenda of the next meeting and said notice shall toll the time for correction of the alleged violation;
- (d) That if the property owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the property owner, occupant or agent in charge of the property;
- (e) That the property owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment or the City may proceed with collection under K.S.A. 12-1,115, as amended;
- (f) That, pursuant to ordinance and to K.S.A. 12-1617f, no further notice shall be given prior to removal of weeds during the current calendar year
- (g) That the public officer should be contacted if there are any questions regarding the order;
- (h) If there is a change in the record property owner of title to property subsequent to the giving of notice pursuant to this subsection, the city shall issue a new notice to the new property owner of record and proceed as set forth herein. The city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title of such property is provided notice as required by this section.

(Ord. 1646C; 1-20-97)

(Code 2000)

(Ord. 1940C; 01-22-02)

(Ord. 2302C; 02-04-08)

8-541 ABATEMENT; ASSESSMENT OF COSTS.

- (a) Upon the expiration of five days after receipt of the notice required by this code, and in the event that the property owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements herein or fail to file a request for hearing, , the Public Officer shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.
- (b) The Public Officer shall provide a report of all costs to the City Clerk and shall give notice to the property owner, occupant or agent in charge of the premises by certified mail, return receipt requested mail of the costs of abatement of the nuisance. The notice shall state that payment of the costs is due and payable

within 30 days following receipt of the notice.

- (c) If the costs of removal or abatement remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. 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. Alternatively, the City may proceed with collection as authorized under K.S.A. 12-1,115, as amended.

(Ord. 1646C; 1-20-97)
(Code 2000)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-542. RIGHT OF ENTRY.

The Public Officer, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this ordinance.

(Ord. 1646C; 1-20-97)
(Code 2000)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-543. UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the Public Officer from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

(Ord. 1646C; 1-20-97)
(Code 2000)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-544. NOXIOUS WEEDS.

Nothing in this Article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(Ord. 1646C; 1-20-97)
(Code 2000)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

SECTION TWO: This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of articles and sections, as provided herein below shall not affect any rights acquired, fees, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and

publications of this Ordinance for the purposes of such rights, fees, fines, penalties, forfeitures, liabilities and actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION THREE: That existing Article 5 of Chapter 8, and any provisions in conflict herewith, are hereby repealed.

SECTION FOUR: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Marcia L. Knight, Assistant City Attorney