

**ADOPTION OF THE
2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
ORDINANCE NO. 2545**

AN ORDINANCE of the City of Gardner adopting the 2012 Edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Gardner; providing for the issuance of permits and collection of fees therefor;

The City Council of the City of Gardner does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Gardner, being marked and designated as the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Gardner, in the State of Kansas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Of the International Property Maintenance Code is hereby amended to read as follows: Replace the words "Name of Jurisdiction" with the words "City of Gardner"

Section 103.5. Of the International Property Maintenance Code is 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 established by the Governing Body by Resolution.

Section 112.4. Of the International Property Maintenance Code is amended to read as follows: Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 100 dollars or more than 500 dollars.

Section 302.4. Of the International Property Maintenance Code is amended to read as follows: Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having

charge of a property to cut and destroy weeds after service of a notice 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.

Section 304.14. Of the International Property Maintenance Code is amended to read as follows: Insect screens. During the period from January 1, to December 31, 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3 Of the International Property Maintenance Code is amended to read as follows: Insert: 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 November 1 to March 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Of the International Property Maintenance Code is amended to read as follows: Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from November 1 to March 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 3. That ORDINANCE No.2545 of The City of Gardner entitled 2012 International Property Maintenance Code is hereby adopted in its entirety to enhance and supplement Title 8 Property Maintenance Code of the Municipal Code of the City of Gardner and to augment Ordinance No 2423. If Ordinance No. 2545 is in conflict with Title 8 Property Maintenance Code of the City of Gardner the stricter standards shall apply.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Gardner hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the City Clerk is hereby ordered and directed to cause this legislation to be published in the official city newspaper.

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect May 1, 2017 from and after the date of its final passage and adoption.

Passed by the City Council this 3rd day of April, 2017

Signed by the Mayor this 3rd day of April, 2017.

(Seal)

CITY OF GARDNER, KANSAS

/s/

Chris Morrow, Mayor

ATEST

/s/

Kimberly A. Garrison, City Clerk