

(Published \_\_\_\_\_)

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE** relating to Chapter 8-Buildings and Building Regulations, Article VIII.-Property Maintenance Code, amending Sections 8-431 and 8-432.

**BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Sections 8-431 and 8-432 are hereby amended to read as follows.

Sec. 8-431. - ~~2012~~ 2018 International Property Maintenance Code—Adopted; purpose.

- (a) *Property maintenance code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the ~~2012~~ 2018 International Property Maintenance Code, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended by ordinance. Further, if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-29-12, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-29-12," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.
- (c) *Penalty for violation.* Any person who shall violate any of the provisions of this article or the ~~2012~~ 2018 International Property Maintenance Code herein adopted shall be guilty of a violation of this article, and shall upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for not exceeding six months, or both. The office of chief counsel shall, at the request of the public officer, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1988, § 8-336; Ord. No. 65300, §§ 1, 2, 8, 4-7-1988; Ord. No. 66075, § 1, 1-4-1996; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 26, 9-16-2004; Ord. No. O-44-11, § 26, 10-20-2011; Ord. No. O-29-12, § 26, 5-3-2012; Ord. No. [O-46-16](#), § 1, 7-28-2016)

**State Law reference**— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-432. - Same—Statement of purpose, definitions, amendments, etc.

- (a) *Statement of purpose.* It is the intent of the code adopted in section 8-431 to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all real properties of all types, including buildings and structures within this jurisdiction.
- (b) *Code official changed to public officer.* All references responsibilities, duties, powers and obligations referred and conveyed upon the "code official" in the ~~2012~~ 2018 International Property Maintenance Code is hereby amended to and designated upon the "public officer."
- (c) *Amendments.* The ~~2012~~ 2018 International Property Maintenance Code is amended in the following respects:

*Section 101.1* is amended to read as follows:

*Section 101.1 Title.* These regulations shall be known as the Property Maintenance Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code."

*Section 102.3* is amended to read as follows:

*Section 102.3 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 Energy Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, NFPA 70, International Residential Code and as referenced the International Existing Building Code. Nothing in this code shall be construed to cause, modify or set aside any provision in the Code of Ordinances for Kansas City, Kansas. Nothing in this code shall be construed to cancel, modify or set aside any provision in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

*Section 102.7* is amended to read as follows:

*Section 102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in this chapter and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

*Section 102.7.1 and 102.7.2* is added to read as follows:

*102.7.1 Electrical Code.* The ICC Electrical Code referenced in chapter 6 has been deleted and replaced with NFPA 70 (National Electrical Code.) Wherever the term ICC Electrical Code has been used in this code, it shall be used synonymously with the term "NFPA 70" listed in chapter 6.

*102.7.2 Plumbing Code.* The ICC Plumbing Code referenced in chapters 5 and 6 has been deleted and replaced with the 2018 Uniform Plumbing Code. Wherever the term ICC Plumbing Code has been used in this code it shall be used synonymously with the term 2018 Uniform Plumbing Code listed in chapters 5 and 6.

*Section 103.1* is amended to read as follows:

*Section 103.1 General.* The public officer and his/her designees are hereby authorized to enforce the provisions of this code.

*Section 103.2* is amended to read as follows:

*Section 103.2 Appointment.* The public officer shall be appointed by the county administrator.

*Section 103.3* is amended to read as follows:

*Section 103.3 Deputies.* In accordance with the prescribed procedures of the unified government and with the concurrence of the appointing authority, the public officer shall have the authority to appoint his or her designees. Such employees shall have the authority as delegated by the Public Officer. Such Employees shall have the authority as delegated by the Public Officer.

*Section 103.5* is amended to read as follows:

*Section 103.5 Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the county administrator.

*Section 104.3* is amended to read as follows:

*Section 104.3 Right of entry.* The public officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the public officer is authorized to pursue recourse as provided by law. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the public officer shall take whatever acts are necessary to protect the public health and safety.

*Section 106.2.1* is hereby added to read as follows:

*Notice of violation.* The public officer shall serve a notice of violation or order in accordance with Section 107.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of section 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

*Section 106.3* is amended to read as follows:

*Section 106.3 Violations.* It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any real property, building or structure or cause or permit the same to be done in violation of this code.

*Section 106.4* is amended to read as follows:

*Section 106.4 Violation; penalties.* The violation of any provision of this code or failure to comply therewith or with any of the requirements thereof, shall be a public offense, and any person convicted thereof shall be sentenced to a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for a term not exceeding six months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The 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 unified government.

*Section 106.5* is amended to read as follows:

*Section 106.5 Abatement of violations.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

*Section 107.1* is amended to read as follows:

*Section 107.1 Notice.* Whenever the public officer determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the person responsible for the violations as specified in this code. Notices for unfit procedures shall also comply with section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Exception: Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of sections 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

*Section 107.2* is amended to read as follows:

*Section 107.2 Form.* Such notice prescribed in section 107.1 shall be in accordance with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.

- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (e) Inform the property owner of the right to appeal abatement proceedings.
- (f) Include a statement of the right to file a lien in accordance with section 106.5 in abatement proceedings.

*Section 107.3* is amended to read as follows:

*Section 107.3 Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address;  
or
- (c) In abatement proceedings, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the public officer may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided in subsections (2) and (3). Except as specifically provided in this subsection, the public officer may provide notice of the order to abate a nuisance by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

*Section 108.1* is amended to read as follows:

*Section 108.1 General.* When a structure or equipment is found by the public officer to be unsafe or when a structure is found unfit for human use, occupancy or habitation or is found unlawful, such structure shall be deemed unfit pursuant to the provisions of this code.

*Section 108.1.4* is amended to read as follows:

*Section 108.1.4 Unlawful structure.* An unlawful structure is one that is found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered, occupied or is being maintained in violation of the Code of Ordinances for Kansas City, Kansas, or any other applicable laws, statutes, rules or regulations.

*Section 108.2* is amended to read as follows:

*Section 108.2 Closing of vacant structures - permit required.* If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the public officer is authorized to post the structure as unfit for human use, habitation and/or occupancy and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the public officer may cause the premises to

be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charge against the real estate upon which the structure is located, shall be a lien upon such real estate, and may be collected by any other legal recourse.

- (a) For purposes of this section, "board," "boarding," or "boarded," shall mean to limit, restrict, or otherwise interfere with the means of ingress or egress, natural light or ventilation of a structure, as required by applicable code, by the placement of wood, metal or other material.
- (b) It shall be unlawful to board any structure without first obtaining a permit from the public officer. The public officer may designate another to administer the provisions of this ordinance.
- (c) To obtain a permit, the applicant must have the authority of the property owner, complete an application, and pay the required fee as established by the county administrator. The application shall be in the form approved by the public officer and shall include the applicant's detailed proposal to return the structure to habitability during the term of the permit. The structure must be boarded within 14 calendar days of issuance of permit. A permit shall be valid for a period of six months from the date of issuance. Subsequent permits may be issued for the structure upon a showing of good cause, as determined by the public officer. If no detailed proposal for rehabilitation is included with the permit application, an inspection of the property is a prerequisite to issuing a permit.
- (d) Unless otherwise required or authorized by the public officer, a structure that is permitted to be boarded pursuant to this ordinance shall comply with the boarding procedures and specifications in effect at the time. Such procedures and specifications will be available at the Neighborhood Resource Center.
- (e) The provisions of this ordinance shall not apply to structures that are boarded by order of the public officer in the exercise of the police powers to protect the health, welfare, and safety of the public, or pursuant to any applicable ordinance or statute.

*Section 108.3* is amended to read as follows:

*Section 108.3 Notice.* Whenever a complaint is filed with the public officer by a resident of the municipality charging that any structure is unfit for human use, habitation or occupancy, or whenever the public officer, on the officer's own motion, has deemed a structure unfit under the provisions of this section, the public officer shall, if the preliminary investigation discloses a basis for such charges, cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a notice and placard in a conspicuous place on the structure. If the notice pertains to equipment, it may also be placed on the condemned equipment. The notice shall be served in accordance with the provision in section 8-451 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

*Section 108.4* is hereby deleted.

*Section 108.4.1* is amended to read as follows:

*Section 108.4.1 Placard removal.* The public officer shall remove the unfit placard or shall authorize removal of the unfit placard by the owner of the property whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes an unfit placard without the approval of the public officer shall be subject to the penalties provided by this code.

*Section 108.5* is amended to read as follows:

*Section 108.5 Prohibited occupancy.* Any occupied structure deemed unfit for human use or habitation and placarded by the public officer shall be vacated as ordered by the public officer. Any person who shall occupy an unfit placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.

*Section 109.1* is amended to read as follows:

*Section 109.1 Imminent danger.* When, in the opinion of the public officer or chief building inspector, 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 the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the public officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The public officer shall cause to be posted at each entrance to such structure a notice reading as follows: "Dangerous Structure." It shall be unlawful for any person to enter such structure except for the purposes of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

*Section 109.2* is amended to read as follows:

*Section 109.2 Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the public officer, there is imminent danger due to an unsafe condition, the public officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the public officer deems necessary to meet such emergency.

*Section 110.1* is amended to read as follows:

*110.1 General.* The public officer shall order the owner of any premises upon which is located any structure, which in the public officer's judgment is so old, dilapidated or has become so out of repairs 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 if such structure is capable of being made safe by repairs, to repair and make safe

and sanitary 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, to demolish and remove such structure.

*Section 110.2* is amended to read as follows:

*Section 110.2 Notices and orders.* All notices and orders shall comply with section 107 of this code and section 8-451 of the Code of Ordinances for Kansas City, Kansas.

*Section 111.1* is amended to read as follows:

*Section 111.1 Application for appeal.* Effective December 1, 2016, any prior board authorized by this section is abolished, and the term of any member is terminated. After December 1, 2016, any person directly affected by a decision of the public officer or order issued under this code shall have the right to appeal to The Board of Code Appeals, provided that written application for appeal is filed within 20 days after the day the decision, or order was served and an appeal fee is paid. The application for appeal shall be accompanied by a fee set by the county administrator. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

*Section 111.2* is amended to read as follows:

*Section 111.2 Membership of board.* Appointment to the Board of Code Appeals shall consist of three members with one member appointed by the mayor, one member appointed by the at large district 1 commissioner, and one member appointed by the at large district 2 commissioner. The board shall convene to hear any appeal properly before it. After the board has rendered its decision for any appeal properly before it, it shall be dissolved and re-constituted for any subsequent appeal.

*Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2 and 111.7* are hereby deleted.

*Section 112.4* is amended to read as follows:

*Section 112.4 Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation an unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$2,500.00.

*Section 201.3* is amended to read as follows:

*Section 201.3 Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Residential Code or the NFPA 70 National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.



Section 201.5 is amended to read as follows:

*Section 201.5 Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 202 is amended to read as follows:

*Section 202 General definitions.* The definitions for "condemn," "housekeeping unit," "person," "rooming house," and "rooming unit" are hereby deleted, and any references to these terms in this code are hereby deleted. The term "rubbish" shall also mean trash. A definition for tarpaulin/tarp has been added.

The term "nuisance" is added to read as follows:

"Nuisance" means any of the following:

1. Any public nuisance known at common law or in equity jurisprudence. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, scrapping materials, salvage, or vegetation which may prove a hazard for inquisitive minors.
2. Whatever is dangerous to human life or is detrimental to health, as determined by the health official.
3. Overcrowding a room with occupants.
4. Insufficient ventilation or illumination.
5. Inadequate or unsanitary sewage or plumbing facilities.
6. Uncleanliness, as determined by the health officer.
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

The term "person" is amended to read as follows:

"Person" means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

The term "tarpaulin"/"tarp" means the following:

1. A heavy hard-wearing waterproof material such as canvas, coated canvas or polyester coated with urethane or made of plastics, such as polyethylene, which is used as an outdoor protective covering to guard against moisture or sun damage.
2. Construction tarp is a tarp between 5-16 mils, 0.14-0.41 mm, thick. (1 mil is equal to one (1) one thousand (1,000) of an inch.)

Section 302.3.1 is added to read as follows:

All parking, loading or maneuvering areas installed on residential property in 1988 or before, which were originally constructed of gravel, must be maintained at a minimum four-inch depth.

Section 302.4 is hereby deleted.

Section 302.5 is amended to read as follows:

*Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Rodent harborages shall include the placement and/or storage of any furniture outside that is intended for interior use, or any other nuisance conditions. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 302.7.1 is added to read as follows:

*Storage containers.* The use of storage pods, ~~and~~ similar metal shipping containers, roll off dumpsters and similar containers used for the storage or disposal of materials, possessions, products, or other items, may be permitted, subject to one container per business or residence for no more than two non-consecutive months in any twelve month period. The one month periods that the storage containers are positioned or located on a property must be separated by a minimum of one month before the second month in a twelve month period may occur. Containers must be positioned or located on private property, not in the public right of way or easements, and must be positioned or located on a driveway or other improved surface. Storage containers shall not be positioned or located in the yard or in other landscaped surface areas.

Exception: These time constraints shall not apply to properties with an active building permit conducting work that constitutes the use of such containers.

Section 302.8 is amended to read as follows:

*Motor vehicles.* Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified

Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

The following vehicles and equipment shall not be kept, parked or stored or allowed to be kept, parked or stored, in a residential area: tow trucks, dump trucks, semi-tractors, semi-trailers, backhoes, skid loaders, high loaders, other types of heavy construction equipment, as well as trailers used to transport said equipment, and any truck which has a greater than 10,000 pounds gross vehicle weight registered, as shown by information indicating title registration. Vehicles and/or equipment kept, parked or stored in violation of this section are hereby declared a public nuisance.

*Section 302.10* is added to read as follows:

*Nuisance conditions.* Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.

*Section 302.11* is hereby added to read as follows:

*Clotheslines.* Clotheslines in front yards or those that are not in good working order are prohibited. The drying of laundry or routinely washed articles on front porch or stair railings or placing on fences, hedges or other supporting structures is prohibited because it substantially detracts from the overall appearance of adjacent properties and/or is detrimental to properties or property values.

*Section 302.12* is hereby added to read as follows:

No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit, allow, or suffer to remain on any porch, balcony, roof, yard or any other exterior property area, unless it is specifically allowed by the parcel's zoning designation, any:

- (1) Lumber or other building materials except those related to a project for which a current building permit has been issued and is posted on the premises and except firewood for the personal use of the resident.
- (2) Motor vehicle, airplane, boat or trailer except as provided for in other sections of this code.
- (3) Parts of any item listed in (2) above including tires.
- (4) Equipment or materials used in the construction trade.
- (5) Machinery or household appliance.
- (6) Junk.
- (7) Salvage/Scrapping material; or
- (8) Upholstered furniture, mattresses, materials, and other similar products not designed, built and manufactured for outdoor use unless such is an enclosed porch or balcony.

Section 302.13 is added as follows:

Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

- (1) Tarps may be utilized to protect cars, trucks, RVs and boats provided that:
  - (a) The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
  - (b) The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
- (2) Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as: patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
- (3) Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days in order to protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
- (4) Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose of protecting it from moisture.

Tarps may not be used in any of the following manners:

- (1) To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling, any accumulation of household goods, or any other items not allowed to be kept on the property according to other ordinances of the code.
- (2) To be used as a screen from view, either permanent or temporary.
- (3) To be hung from carports as walls, doors or roofing.
- (4) To be used as any shelter or tent, either permanent or temporary.

All tarps must be maintained in good condition without holes, rips, tears, excessive wear, stains or other wise be defective in any way.

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1,828 mm) in height above the finished ground level measure 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 (1,372 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 six 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.

*Section 304.7* is amended to read as follows:

*Roofs and drainage.* The roof and flashing shall be sound, tight and not have 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. Additionally, roofing materials shall be of consistent type, style, and appearance. Variations in type, style, color or appearance of roofing materials shall be permitted only if part of a comprehensive and integrated design of the entire structure.

*Section 304.14* is amended to read as follows:

*Section 304.14 Insect screens.* During the period from April 1 to November 1, 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 (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

*Section 304.19* is hereby added to read as follows:

*Exterior surfaces.* Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials and shall be maintained in a weather resistant and water tight condition. Screens, if installed, shall be intact and in frames which are not bent or are otherwise secure to the window unit. Cracks or holes in mortar between bricks or stone shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the designated public officer. All existing painted, exterior surfaces having areas of chipping, peeling, scaling or missing paint greater than 25 percent of the painted area shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the designated public officer. Doors and windows shall be maintained in operable condition. Appurtenances such as awnings and shutters likewise shall be kept in workable condition if designed to roll, fold or otherwise be raised, lowered, opened or closed. Hinges shall be kept in operable condition in keeping with original tolerances set for such hardware.

*Section 304.20* is hereby added to read as follows:

*Appurtenances.* Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the exterior surface standard as set forth in section 304.19. Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the designated public officer. Such exterior structures which may be exposed to public view shall be

kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use. Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses.

*Section 308.2* is amended to read as follows:

*Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

*Section 308.3* is amended to read as follows:

*Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage facility or approved garbage container. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

*Section 308.3.1* is amended to read as follows:

*Section 308.3.1 Garbage facilities.* The owner or occupant of every dwelling shall be required to maintain on the premises one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

*Section 310* is added as follows:

*Tarpaulins.* The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

1. Tarps may be utilized to protect cars, trucks, RVs and boats provided that;
  - a. The tarp is specifically manufactured for the purpose of protecting the car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.
  - b. The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
2. Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as:
  - a. Patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
3. Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days;

- a. To protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
4. Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose protecting it from moisture.

Tarps may not be used in any of the following manners:

1. To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling or any accumulation of household goods.
2. To be used as a screen from view, either permanent or temporary.
3. To be hung from carports as walls, doors or roofing.
4. To be used as any shelter or tent, either permanent or temporary.

All tarps must be, and remain in, "good condition". Good condition shall mean; without holes, rips, tears, excessively worn, stained or defective in any way.

This ordinance shall pertain to residentially zoned properties.

*Section 403.3* is hereby deleted.

*Section 404.3* is amended to read as follows:

*Section 404.3 Minimum ceiling heights.*

Exception: Basement rooms in one- and two-family dwellings occupied as habitable space, having a ceiling height of not less than six feet, six inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than six feet, measured to the lowest projection from the ceiling. Where exposed ceiling members are spaced at less than 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than six feet above the floor. If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than six feet, six inches.

*Section 502.5* is amended to read as follows:

*Section 502.5 Public toilet facilities.* Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

*Section 505.1* is amended to read as follows:

*Section 505.1 General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to a public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and

showers shall be supplied with hot or tempered and cold running water in accordance with the 2012 Uniform Plumbing Code.

*Section 602.3* is amended to read as follows:

*Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) 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 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

*Section 602.4* is amended to read as follows:

*Section 602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) 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 605.2* is amended to read as follows:

*Section 605.2 Receptacles.* Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(Code 1988, § 8-337; Ord. No. 65300, §§ 3—7, 4-7-1988; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-16-00, § 1, 2-17-2000; Ord. No. O-46-00, § 1, 5-18-2000; Ord. No. O-57-04, § 26, 9-16-2004; Ord. o. O-87-07, § 2, 11-1-2007; Ord. No. O-44-11, § 27, 10-20-2011; Ord. No. O-29-12, § 27, 5-3-2012; Ord. No. [O-46-16](#), § 1, 7-28-2016; Ord. No. [O-65-16](#), § 1, 11-17-2016; Ord. No. [O-42-19](#), § 1, 6-13-2019)

**Section 2.** These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.



**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
**David Alvey, Mayor/CEO**

**Attest:**

\_\_\_\_\_  
**Unified Government Clerk**