

ORDINANCE NO. 1934

AN ORDINANCE OF THE CITY OF RUSSELL, KANSAS, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ESTABLISHING MINIMUM REQUIREMENTS FOR MAINTENANCE OF EXISTING BUILDINGS; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF RUSSELL, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND AMENDING SECTIONS 4-301 THROUGH 4-303 OF THE CODE OF THE CITY OF RUSSELL AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH

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

Section 1. Section 4-301 of the Code of the City of Russell is hereby amended to read as follows:

International Property Maintenance Code incorporated. That certain model code, a copy of which is on file in the office of the city clerk of the City of Russell, being marked and designated as the International Property Maintenance Code 2018 edition, as published by the International Code Council, Inc., be and is hereby incorporated by reference herein and made a part of this Article, save and except such portions as are hereinafter or may hereafter be amended, revised or deleted as authorized and in the manner prescribed by the statutes of the State of Kansas. No fewer than one (1) copy of the code incorporated by reference in this Article shall be kept on file in the office of the city clerk and kept available at reasonable business hours. The filed copies of the code shall be marked or stamped "official copy as Incorporated by Ordinance No. 1934". All sections or portions of the filed copies of the code shall be clearly modified to show deletions, amendments and revisions of the code.

Section 2. Section 4-302 of the Code of the City of Russell is hereby amended to read as follows:

Same; deletions. The following provisions are deleted from the International Property Maintenance Code, 2018 edition, incorporated by Section 4-301 as follows:

- (a) Section 102.3 delete reference to International Existing Building Code and International Energy Conservation Code and International Zoning Code.
- (b) Section 103.5 Fees – delete.
- (c) Section 111.2 Membership of Board and subsections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5 are deleted.
- (d) Section 302.8 motor vehicles - delete
- (e) Section 304.1.1 delete reference to International Existing Building Code.
- (f) Section 304.14 Insect Screens – delete.
- (g) Section 304.18.1 Building Security - doors - delete
- (h) Section 305.1.1 and 306.1.1 Unsafe condition - delete reference to International Existing Building Code.

Section 3. Section 4-303 of the Code of the City of Russell is hereby amended to read as follows:

Same; revisions. Revisions to the International Property Maintenance Code, 2018 edition, incorporated by Section 4-301 are as follows:

- (a) Section 101.1. Insert: City of Russell, Kansas
- (b) Section 103.1 is revised to read "The official in charge of administering this code shall be known as the code official."
- (c) Section 103.2 is revised to read "The code official shall be appointed by the City Manager."
- (d) Section 108.1 General. Insert as last sentence to 108.1: Or such structures shall be condemned pursuant to Article 7 of Chapter IV of the Code of the City of Russell, Kansas.
- (e) Section 111.2 Board of Appeals is amended to read in full as follows:

Board of Appeals. The City governing body shall be the board of appeals. Any reference in the International Property Maintenance Code shall be construed to refer to the City's governing body. The governing body shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of the code do not fully apply or the requirements of this code are adequately satisfied by other means. The governing body shall have no authority to waive requirements of the code.

- (f) Section 111.3 Insert "30 days" for "20 days".
- (g) Section 111.4.1 Insert "City Clerk" for "secretary".
- (h) Section 111.6 Insert "council members" for "total number of appointed board members".
- (i) Section 112.4. Insert: Not less than \$50.00 or more than \$500.00
- (j) Section 302.4. Insert: eight (8) inches
- (k) Section 602.3. Insert: November 1 to March 31
- (l) Section 602.4 Insert: November 1 to March 31.

Section 4. Sections 4-301 through 4-303 of the Code of the City of Russell are repealed and replaced as stated herein.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The governing body hereby declares that it would have passed this law, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

Section 6. Nothing in this ordinance 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 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. The City Clerk is hereby ordered and directed to cause this Ordinance to be published in the official city newspaper.

Section 8. 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 from and after the date of its publication in the official city newspaper.

PASSED this 21st day of May, 2019, by the City of Russell, Kansas, governing body.

APPROVED this 21st day of May, 2019, by the Mayor of the City of Russell, Kansas.



Raymond C. Mader, Mayor

ATTEST:



Katrina Woelk, City Clerk

(seal)

