

ORDINANCE NO. 1661

AN ORDINANCE AMENDING AND REPEALING SECTION 6-55 OF CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF FAIRWAY, KANSAS RELATING TO THE AMENDMENT TO CHAPTER 3 OF THE PROPERTY MAINTENANCE CODE AS PUBLISHED.

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

SECTION 1. That existing section 6-55 of the Code of Ordinances of the City of Fairway, Kansas is hereby amended to read as follows:

Sec. 6-55. - Amendment to Chapter 3 of the property maintenance code as published.

The following sections of Chapter 3 of the International Property Maintenance Code (IMPC), Edition 2000, shall be omitted, amended, replaced or supplemented as follows:

- (1) Section 301.4 regarding general requirements. Supplement with:

301.4 Excavation fill. It shall be the duty of the owner upon removal of a structure to fill any basement or other excavation located upon the premises and take any other action necessary to leave such property in a safe condition, including: the grading and seeding or sodding of the area; removal of dirt or mud from roads, streets, alleys or sidewalks; the allowance of proper drainage of the site; and the removal of any and all refuse, trash, debris, brush and limbs or materials from the site.

- (2) Section 302.4 regarding weeds. Replace and supplement with:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (10") (254 mm). All noxious weeds, rank vegetation, vegetation subject to blight, and vegetation of any nature located in an area that harbors rodents, insects, animals, reptiles or any other creature which either may or does constitute a menace to health, public safety or welfare, shall be prohibited. Weeds shall be defined as all grasses, brush, annual plants, woody vines, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

302.4.1 Notice requirements. In addition to the other notice requirements of Section 107.2, a notice for a violation under this provision shall advise that the owner or person or persons responsible is ordered to cut, destroy or remove the identified weeds within five (5) days of receipt of the notice, and that the owner or person or persons responsible may appeal this order within this five (5) day period (as prescribed by Section 111); provided, in cases where the owner is unknown or is a nonresident, and there is no resident agent, the notice shall state that the owner or person or persons responsible has ten (10) days after publication of the notice in the official City paper to cut, destroy or remove the identified weeds, or to make an appeal; further provided, the Code Official, in his discretion, may extend these deadlines when appropriate.

302.4.2 Application of State Statute. Nothing in this code shall affect, restrict or impair the rights of the City under the provisions of State statute (as amended), including, but not limited to, K.S.A. 12-1617e and 12-1617f, and K.S.A. Chapter 2, Article 13 relating to the control and eradication of certain noxious weeds as defined by such statute.

- (3) Section 302.5 regarding rodent harborage. Replace with:

302.5 Rodent harborage . All structures and exterior property shall be kept free from rodent harborage and infestation. All openings in the exterior walls, ground or first floors, basements, roofs and foundations of all structures, which may be reached by rodents from the ground by climbing or burrowing, shall be closed with material or equipment impervious to rodent gnawing. It shall also be unlawful for any person to create, permit or maintain any condition that provides shelter or protection for rodents in, under or outside any structure or exterior property. Where rodents are found, they shall be promptly exterminated by an approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (4) Section 302.9 regarding defacement of property. Replace and supplement with:

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building, wall, rock, sidewalk, pavement, bridge, fence, gate, tree or other similar surface on any private or public property by placing thereon any marking, carving or graffiti; provided this requirement shall not restrict any necessary marking for governmental, utility or arborist activity.

302.9.1 Restoration. It shall be the responsibility of the owner or person or persons responsible for the property to restore this surface to an approved state of maintenance and repair within a period of five (5) days, unless this period is extended by the Code Official in his discretion.

302.9.2 Reward. As allocated by the City Council, the City will pay a reward up to the amount of one hundred dollars (\$100.00) to any person providing information leading to the arrest and conviction of any person guilty of this violation.

- (5) Section 302 regarding exterior property areas. Supplement with:

302.11. Parking and Storage of Vehicles in Residential Areas.

1. Except as provided for in other provisions of the City Code, no person shall, nor shall any property owner allow another person to store for more than forty-eight (48) consecutive hours, more than twelve (12) occurrences per year on any lot zoned for residential use any trailer, semi-trailer, boat, bus, camper or recreational vehicle over ten feet (10') in height, or any oversized (self-propelled or otherwise) motor vehicle (as defined by the Code of the City of Fairway Section 10-63), regardless of height, anywhere on their property. Trailers, semi-trailers, boats, buses, campers or recreational vehicles under ten feet (10') in height may be stored indefinitely on residential property behind the front building line for interior lots and behind the front and interior-side building lines for corner lots. Items must be stored on a paved surface.

2. Except as provided for in other provisions of the City Code, trailers, semi-trailers, boats, buses, campers, recreational vehicles, mobile homes (self-propelled or otherwise), oversized motor vehicles (as defined by the Code of the City of Fairway Section 10-63), regardless of height, may be stored less than forty-eight (48) consecutive hours not more than twelve (12) occurrences per year, in front of the front building line for interior lots and in front of the front and interior-side building lines for corner lots, on any lot zoned for residential use. Items must be stored on a paved surface.
 3. The above shall not apply to passenger vehicles, motorcycles, bicycles, children's toys, garden carts and lawn equipment.
- (6) Section 303.7 regarding roofs and drainage. Replace with:
- 303.7 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 and water from intermittent sources such as discharges from sump pumps, foundation drains, or other similar sources, excluding lawn sprinkler, shall not be discharged: A) at a point no closer than five feet (5') to any adjoining side or rear property line; B) at a point no closer than five feet (5') to any adjoining public sidewalk or road; C) within the right-of-way in any circumstance; or D) in a manner that creates a public nuisance. All drains must also comply with the Tree Protection Ordinance.
- (7) Section 303.14 regarding insect screens. Insert: "January 1 to December 31."

SECTION 2. That existing section 6-55 of the Code of the City of Fairway, Kansas is hereby repealed

SECTION 3. That the repeal of any ordinance or parts of an ordinance by this Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding under or by virtue of the repealed ordinance.

SECTION 4. That Section 1 of this Ordinance shall be codified in the Code of Ordinances of the City of Fairway, Kansas.

SECTION 5. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 11th day of December, 2017. APPROVED by the Mayor.

ATTEST

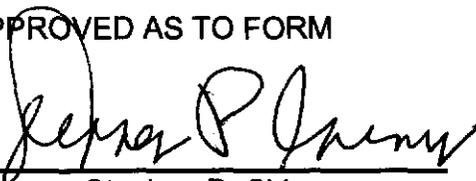


Kim H. Young
City Clerk



Melanie Hepperly
City Council President

APPROVED AS TO FORM



Stephen P. Chinn
City Attorney