

ORDINANCE NO. 7228

AN ORDINANCE AMENDING CHAPTER 8, OF THE CODE OF ORDINANCES REGULATING STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF MANHATTAN, KANSAS; INCORPORATING BY REFERENCE THE “INTERNATIONAL PROPERTY MAINTENANCE CODE” EDITION OF 2015, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. That Section 8-176 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Section 8-176. Adoption of the International Property Maintenance Code

There is hereby incorporated by reference for the purpose of establishing standards for the protection of the public health, safety and welfare in all existing structures within the corporate city limits of the City of Manhattan, Kansas, that standard property maintenance code known as the International Property Maintenance Code, 2015 Edition, including Appendix A, as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped “Official Copy as adopted by Ordinance No. 7228”, and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient.

SECTION 2. That Section 8-177 of the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended to read as follows:

Section 8-177. Amendments

The International Property Maintenance Code, adopted by Section 8-176, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code, of the City of Manhattan, Kansas, hereinafter referred to as the International Property Maintenance Code or “this code.”

2. Section 102.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 102.3 Application of other codes. Repairs, alterations, additions to a structure, or changes of occupancy, shall be done in accordance with the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Existing Buildings or National Electrical Codes as applicable and as adopted by the City of Manhattan, Kansas.

3. Section 103.5 of the International Property Maintenance Code is hereby deleted.

4. Section 106.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 106.4 Penalty. Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed six months, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

5. Section 109.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that 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 proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials including major sewage backups, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe And Its Occupancy Has Been Prohibited By The Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

6. Section 111.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.1 Application for appeal. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or any rule or regulation adopted pursuant thereto, may request and

shall be granted a hearing on the matter before the housing appeals board; provided that such person shall file, with the code official, a written petition requesting such hearing and containing a statement of the grounds therefore not more than fifteen (15) days after the notice was served. When such a hearing is requested, a filing fee of forty dollars (\$40.00) shall be made to the code official.

7. Section 111.2 of the International Property Maintenance Code is hereby changed to read follows:

Section 111.2 Appeals Board.

- a. In order to provide a body to hear appeals pursuant to Section 111.1 and to hear requests for variances pursuant to Section 111.3, there is hereby created a Housing Appeals Board, which may hereinafter be known as the “board”.
 - b. The Board shall consist of five (5) members who shall be appointed by the mayor with the advice and consent of the governing body.
 - c. The members of the board shall be residents and electors of the city, and not employees of the city.
 - d. The term of appointment of the members of the board shall be for a three (3) year period.
 - e. Whenever a person is appointed to fill a position on the board that has become vacant because of a resignation, termination or other vacation, such appointment shall only be for the unexpired portion of said term.
 - f. The members of the board while appointed for a term for the convenience of the city, shall serve at the pleasure of the governing body.
 - g. The board shall choose a chairperson and shall adopt reasonable bylaws for conducting its business, subject to approval by the governing body of the city, and shall render all decisions and findings in writing to the appellant, or to the applicant for a variance, with a copy to the Secretary. The bylaws shall establish that a majority of the members of the board shall constitute a quorum and be necessary for the transaction of business. The code official shall appoint one (1) member of the department who shall act as secretary to the board. The meetings may be called by either the chairperson or the secretary.
8. Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5 of the International Property Maintenance Code are hereby deleted.

9. Section 111.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.3 Procedure for variances. In addition to any other authority granted to the board, said board may grant to the owners of the real property, variances from the obligation to comply with the minimum standards set forth within this code.

The board shall not grant a variance as authorized by this Section unless it shall make specific written findings of fact that:

- a. The strict enforcement of the minimum standards would result in unreasonable or unnecessary hardship upon the owner;
- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- c. The variance desired will not adversely affect the public health, safety, morals, order, convenience, property or general welfare; and
- d. Granting the variance desired will not be opposed to the general spirit and intent of the code.

10. Section 111.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.4 Vote. The board shall hear all appeals relative to the enforcement of this code, and all requests for variances, and by concurring vote of a majority of those present shall reverse or affirm wholly or partly, or modify, the decision appealed from, or shall grant or deny the variance, and shall make such order or determination as in the opinion of the board ought to be made consistent with the authority granted to them by this code.

11. Section 111.5 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.5 Financial or Personal Interest. A member of the board shall not participate in any hearings or vote on any appeal, or request for a variance, in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

12. Section 111.6 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.6 Records. The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

13. Section 112.4 of the International Property Maintenance Code is hereby changed 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 that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

14. Section 202 of the International Property Maintenance Code is hereby changed to add the following definition:

Family: Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption, or under foster care established by governmental action, living together as a single housekeeping unit; or (b) a group of not more than four (4) persons some of which are not related by blood, marriage or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that (5) or more people living together as a single housekeeping unit are not a family.

15. Section 202 of the International Property Maintenance Code is hereby changed to amend the following definition:

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16. Section 302.4 of the International Property Maintenance Code is hereby deleted.

17. Section 302.8 of the International Property Maintenance Code is hereby deleted.

18. Section 304.14 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.14 Insect Screens. During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used 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.

19. Section 304.18.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.18.1 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 702.3.

20. Section 402.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.1 Habitable Spaces. Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be five (5) square feet, except when artificial light and ventilation may be provided in accordance with the provisions of the building or residential code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room.

21. Section 402.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.2 Common halls and stairways. Every common hall and stairway, other than in one and two-family dwellings, shall be capable of being lighted at all times with at least a 60 watt standard incandescent light bulb or equivalent (sufficient natural light shall serve as an equivalent) for each 200 square feet (19 square meters) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (11 lux) at floors, landings and treads.

22. Section 404.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2,133mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 2 feet (762mm) between counter fronts and appliances or counter fronts and walls.

23. Section 404.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.3 Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Beams, girders or similar obstructions spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
 2. Basement rooms having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one third of the minimum required floor area. In calculating the floor area of such rooms, only those portions of the floor area with a ceiling height of at least 5 feet or more shall be included.
24. Section 404.4.1 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 404.4.1 Room Area.** Every habitable room shall contain at least 70 square feet.
25. Section 404.5 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 404.5 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.
26. Sections 404.5.1 and 404.5.2 of the International Property Maintenance Code are hereby deleted.
27. Section 502.4.1 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities within drinking or dining establishments or wholesale or retail grocery stores shall not be located in toilet rooms or bathrooms.
28. Section 506.3 of the International Property Maintenance Code is hereby deleted.
29. Section 602.3 of the International Property Maintenance Code is hereby changed 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 guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours. The temperature shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from the exterior walls.

30. Section 602.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 602.4 Occupiable work spaces. Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

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.
31. Section 604.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code as adopted in Section 8-47 of the city Code of Ordinances. Dwelling units shall be served by a three wire, 120 / 240 volt, single phase electrical service having a rating of not less than 60 amperes.

32. Section 702.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 702.4 Emergency escape openings. Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception:

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code.

An approved emergency escape or rescue window shall have a minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.

33. Section 704.2.1.3 of the International Property Maintenance Code is hereby changed to read as follows :

Section 704.2.1.3 Installation near cooking appliances and bathrooms. Newly installed or battery powered replacement smoke detectors shall not be installed within 20 feet of a cooking appliance or within 3 feet of the opening of a bathroom that contains a tub or shower unless either would prevent placement of a smoke alarm required by this code.

34. Section 704.2.1.4 of the International Property Maintenance Code is hereby deleted.

Section 3. This ordinance shall take effect and be in force from and after January 1, 2017, and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY THIS 21ST DAY OF JUNE, 2016.





Gary S. Fees, MMC, City Clerk



Usha Reddi, Mayor