

ORDINANCE NO. 211

ORDINANCE FOR ADOPTION OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

An ordinance of the City of Linn Valley adopting the 2006 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 Linn Valley; providing for the issuance of permits and collection of fees therefor; Any portion of Linn Valley Ordinances which are in conflict with this repealing Ordinance No. 211 of the City of Linn Valley and all other ordinances and parts of the ordinances in conflict therewith.

The Council of the City of Linn Valley 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 Linn Valley, being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Linn Valley, 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 of Linn Valley are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, 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 Insert: City of Linn Valley

Section 103.2 is hereby amended to read, in its entirety: Section 103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

Section 103.3 is hereby amended to read, in its entirety: Section 103.3. Deputies. In accordance with the prescribed procedures of this jurisdiction deputies shall be appointed by the chief appointing authority of the jurisdiction.

Section 103.5 Insert: See Exhibit A and Exhibit B

Section 104.2 is hereby revised by the removal of the following: to adopt and promulgate rules and procedures;

Section 106.3 is hereby amended to read in its entirety: Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of an inoperable motor vehicle or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto. The property owner shall be given notice of costs to the municipality for corrections of the violation made by the municipality in correction of the violations. Payable within 30 days. If the cost of corrective action remains unpaid after 30 days, 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 106.4 is hereby amended to read, in its entirety: Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined in an amount not to exceed \$500 but not less than \$25, plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 107.2.5 is hereby revised as: 5. Inform the property owner of the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.

Section 107.2.6 is hereby revised as: Any person failing to comply with notice of violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceedings to correct the violation. Such action shall be charged upon the real estate owner and a lien shall be upon such real estate in accordance with Section 106.3 of this Code.

Section 202 (B) DWELLING UNIT. is hereby amended to read in its entirety: (B) DWELLING UNIT. Any conventional built home, manufactured home, camping trailer, mobile home or any form of recreation vehicle use as a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation facilities approved by the City. Any dwelling unit will contain an approved and operable sewage holding tank or be connected to a State of Kansas approved sewer system.

Section 202 GENERAL DEFINITIONS shall include: STRUCTURE. Any building, wall, superstructure or other structure which requires location on the ground or is attached to something having a location on the ground including boat dock, pier, landing ramp, floating platform, sea wall, or other man-made structure alongside, attendant to, or encroaching upon any body of water or dry bed of any body of water, or any screen, wall, roof or covering for any such structure.

Section 302.4 Paragraph one shall read in its entirety: Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provide; however this term shall not include cultivated flowers and gardens. Vacant property with no dwelling units, structures or vehicles may be left in its natural state but all noxious weeds shall be prohibited.

Section 304.14 Insert: March 1 to October 31

Section 602.3 Insert: October 1 to May 1

Section 602.4 Insert: October 1 to May 1

Section 3. That the following ordinances of Linn Valley: Ordinance N. 26 entitled THE PROPERTY MAINTENANCE CODE; Ordinance No. 36; Ordinance No. 58 entitled HEALTH AND SAFETY; Ordinance No. 59 entitled DANGEROUS AND UNFIT STRUCTURES; Ordinance No. 61 entitled WEED NUISANCES; Ordinance No. 101; Ordinance No. 125; Ordinance No. 145 entitled INDIVIDUALS EMPOWERED TO ENFORCE THE ORDINANCE; Ordinance No. 173; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That 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 Council hereby declares that it would have passed this ordinance, and each section, 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 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 of action required or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

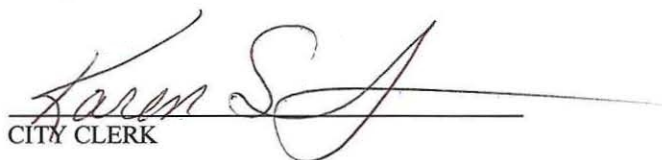
Section 6. That the Clerk of the City of Linn Valley is hereby ordered and directed to cause this ordinance to be published.

Section 7. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force from and after the publication of its summary in the official city newspaper and the publication of the entire ordinance on the City's official website, www.cityoflinnvalley.com for week following the aforesaid newspaper publication.

ORDAINED THIS 9TH DAY OF MARCH, 2020.


MAYOR

ATTEST:


CITY CLERK

SECTION 103.5

EXHIBIT A

BUILDING PERMIT FEES FOR CONVENTIONAL HOUSING

TOTAL VALUATION	FEES
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000	\$25.00 for the first \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof.

Manufactured housing fees are 50% of the fees for conventional housing.

The total building permit fee for any shed less than 150 square feet in size shall be \$35.00

No building permit fee shall be assessed for the following listed repairs to existing buildings unless said repairs exceed \$5,000.00 in cost:

- a. Repair or replacement of roof
- b. Fencing yard
- c. General outside maintenance excluding foundation and electrical work

SECTION 103.5

EXHIBIT A (continued)

BUILDING PERMIT FEES FOR CONVENTIONAL HOUSING

OTHER INSPECTIONS AND FEES:

1. Inspections outside of normal business hours	\$42.00 per hour* minimum charge 2 hours
2. Re-inspection fees assessed	\$42.00 per hour*
3. Inspections for which no fee is specifically indicated	\$42.00 per hour*
4. Additional plan review required by changes, additions, or revisions	\$42.00 per hour* minimum charge 1/2 hour
5. For use of outside consultants for plan checking and inspections	Actual cost**

* or the total hourly cost to the jurisdiction, whichever is the greater. Cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

SECTION 103.5: EXHIBIT B
BUILDING PERMIT FEE WORKSHEET

New House

1. 1st Floor sq. ft. _____
2. 2nd Floor sq. ft. _____
3. Total Area (1 + 2) _____
4. Wood frame sq. ft. _____ x 60.00 = (a) _____
5. Masonry sq. ft. _____ x 62.00 = (b) _____
6. Attached Garage sq. ft. _____ x 14.00 = (c) _____
7. Garage or Large Building _____ x 18.00 = (d) _____
8. Manufactured Home _____ x 35.00 = (e) _____
9. Finished Basement _____ x 14.00 = (f) _____
10. Unfinished Basement _____ x 8.00 = (g) _____
11. TOTAL (a - g) (h) _____
12. Use total (f) and follow the formula on Exhibit A, to determine permit fee.

+ _____

TOTAL PERMIT FEE _____