

(Summary Published in The Morning Sun on March 1st, 2013)

ORDINANCE NO. G-1173

AN ORDINANCE establishing a new Article V in Chapter 18 of the Pittsburg City Code and repealing current Pittsburg City Code Sections 18-131, 18-132, 18-133, 18-134, 18-161, 18-162, 18-163, 18-164, 18-191, 18-192, 18-193, 18-194, 18-195, and 18-196, and adopting and incorporating by reference the 2012 Edition of the International Property Maintenance Code (IPMC) prepared, compiled and promulgated as a standard of the International Code Council (ICC), except such parts or portions thereof as are modified, supplemented, or amended by new Pittsburg City Code Sections 18-131, 18-132, 18-133, 18-134, 18-135, 18-136, 18-137, 18-138, 18-139, 18-140, 18-141, 18-142, 18-143, 18-144, and 18-145.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Current Pittsburg City Code Sections 18-131, 18-132, 18-133, 18-134, 18-161, 18-162, 18-163, 18-164, 18-191, 18-192, 18-193, 18-194, 18-195 and 18-196 are hereby repealed.

Section 2. **ARTICLE V** in Chapter 18 of the Pittsburg City Code is established as the **INTERNATIONAL PROPERTY MAINTENANCE CODE.**

Section 3. Section 18-131 of the Pittsburg City Code is established as follows:

Section 18-131. International Property Maintenance Code Adopted.

The International Property Maintenance Code (I.P.M.C.), 2012 Edition, prepared, compiled and promulgated as a standard of the International Code Council (ICC) of which not less than three (3) copies are on file in the Office of the City Clerk, is hereby adopted and incorporated by reference as fully as set forth herein.

Section 4. Section 18-132 of the Pittsburg City Code is established as follows:

Section 18-132. General Definitions Amended.

Section 202 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

[A] Code Official: The term “code official” shall in all instances mean the Building Official of Pittsburg, Kansas who is in charge with the administration and enforcement of this code.

Section 5. Section 18-133 of the Pittsburg City Code is established as follows:

Sec. 18-133 Section 102.3 Amended.

Section 102.3 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

Section [A] 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 of the International Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, Uniform Plumbing Code, International Mechanical Code and the National Electrical Code.

Section 6. Section 18-134 of the Pittsburg City Code is established as follows:

Sec. 18-134. Section 103 Amended.

Section 103 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

Section 103 **APPOINTMENT AND LIABILITY**

[A] 103.1 **Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint deputies. Such employees shall have powers as delegated by the code official.

[A] 103.2 **Liability.** The code official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding instituted for the good faith discharge of duties under the provisions of this code.

Section 7. Section 18-135 of the Pittsburg City Code is established as follows:

Sec. 18-135. Section 106 Amended.

Section 106 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

SECTION 106 VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. 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 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 thereto. 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.

[A] 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 prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Penalties and fines shall be as prescribed in Sec. 1-7 of the City Code.

[A] 106.5 Abatement of violation. 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.

Section 8. Section 18-136 of the Pittsburg City Code is established as follows:

Sec. 18-136. Section 108 Deleted and Replaced.

Section 108 of the 2012 International Property Maintenance Code is hereby deleted and replaced by the provision of City Code Sec. 18-64, Section 115 in which are incorporated herein and shall be enforceable as part of this Ordinance.

Section 9. Section 18-137 of the Pittsburg City Code is established as follows:

Sec. 18-137. Section 109 Amended

Section 109 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

SECTION 109 EMERGENCY MEASURES

[A] 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 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 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.

[A] 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official 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 code official deems necessary to meet such emergency.

[A] 109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 109.4 Immediate Hazard; action to protect public. When in the opinion of the code official, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owners agents, lienholders and occupants, as provided by K.S.A. 12-1756.

[A] 109.5 Immediate Hazard; cost of action to protect public. The cost of such action to protect the public shall be assessed against the property and paid as provided by K.S.A. 12-1755.

Section 10 Section 18-138 of the Pittsburg City Code is established as follows:

Sec. 18-138. Section 110 Deleted and Replaced

Section 110 of the 2012 Edition of the International Property Maintenance Code is hereby deleted and replaced by the provisions of City Code Sec 18-64, Section 115 in which are incorporated herein and shall be enforceable as part of this Ordinance.

Section 11 Section 18-139 of the Pittsburg City Code is established as follows:

Sec. 18-139. Section 111 Deleted

Section 111 of the 2012 Edition of the International Property Maintenance Code is hereby deleted in its entirety.

Section 12

Sec. 18-140. Section 112 Amended

Section 112 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

SECTION 112 STOP WORK ORDER

[A] 112.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 112.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

[A] 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 as prescribed in Sec. 1-7 of the City Code.

Section 13. Section 18-141 of the Pittsburg City Code is established as follows:

Sec. 18-141. Section 302.4 Deleted and Replaced

Section 302.4 of the 2012 Edition of the International Property Maintenance Code is hereby deleted and replaced to read as follows:

Section 302.4 is hereby deleted and replaced by the provisions of City Code Sec. 50-91 through 50-127 which are incorporated herein and shall be enforceable as part of this Ordinance.

Section 14. Section 18-142 of the Pittsburg City Code is established as follows:

Sec. 18-142 Section 302.8 Deleted and Replaced

Section 302.8 of the 2012 Edition of the International Property Maintenance Code is hereby deleted and replaced to read as follows:

Section 302.8 is hereby deleted and replaced by the provisions of City Code Sec.50-161 through 50-170 which are incorporated herein and shall be enforceable as part of this Ordinance.

Section 15. Section 18-143 of the Pittsburg City Code is established as follows:

Sec. 18-143. Section 304.3 Deleted and Replaced

Section 304.3 of the 2012 Edition of the International Property Maintenance Code is hereby deleted and replaced to read as follows:

Section 304.3 is hereby deleted and replaced by the provisions of City Code Sec. 74-165 through 74-166 which are incorporated herein and shall be enforceable as part of this Ordinance.

Section 16. Section 18-144 of the Pittsburg City Code established as follows:

Sec. 18-144. Section 304.14 Amended.

Section 304.14 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

Section 304.14 Insect Screens. 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 minimum 16 mesh device in good working condition, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 17 Section 18-145 of the Pittsburg City Code established as follows:

Sec. 18-145. Section 602.4 Amended.

Section 602.4 of the 2012 Edition of the International Property Maintenance Code is hereby amended to read as follows:

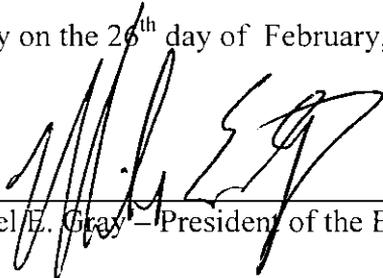
Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65 degrees F (18 degrees C) during the period the spaces are occupied.

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 18. This Ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

ADOPTED AND PASSED by the Governing Body on the 26th day of February, 2013.



Michael E. Gray - President of the Board

Attest:



Tammy Nagel - City Clerk

