
Sec. 18-38. Minimum maintenance standards for commercial property in the central business district.

- (a) *Title.* This section shall be known as the "Minimum Maintenance Standards for Commercial Property in the Central Business District."
- (b) *Statement of purpose.* The purpose of this section is to promote the public health, safety and general welfare of the residents of the city with regard to commercial properties in the central business district by adoption of minimum maintenance standards for such commercial properties and procedures for administration and enforcement thereof. The standards set forth in this section constitute minimum standards. Property owners are encouraged to maintain their properties to a higher standard.

- (c) *Definitions.*

Central business district means that portion of the city zoned C-3.

Commercial property means any improved or unimproved real estate used for any business purpose or used to generate a profit, either from capital gain or rental income.

Correction deadline means any date established under the subsections of this section or the date established by the enforcement officer as a deadline for corrective action to occur, and shall be based upon the nature of the corrective action needed, the impact on public safety, the cost of repair, replacement or removal, and any other factors deemed relevant by the enforcement officer.

Enforcement officer means the person designated by the city manager to enforce the provisions of this section.

Notification means receiving notice from the enforcement officer, police department, or other city employee of a condition requiring corrective action under this section.

Person means any individual, firm, corporation, limited liability company, association, partnership, cooperative, governmental agency, or other entity.

- (d) *Application.* The provisions of this section shall apply to all commercial properties located in the central business district of the city.
- (e) *Properties, structures or buildings.* All references hereinafter made in this section to properties, structures, or buildings, shall be construed as meaning commercial properties located in the central business district.
- (f) *General standards.* All properties shall be maintained in the following manner:
- (1) Sidewalks, building ledges and alleys shall be kept free of weeds and trash.
 - (2) To the extent reasonably possible, snow and ice shall be removed from sidewalks in order to enable the flow of pedestrian traffic by no later than 9:00 o'clock a.m. Monday through Saturday.
 - (3) Graffiti located on walls, structures or buildings shall be either covered or removed within seven days after discovery or notification.
 - (4) Awnings or other coverings that protrude from buildings and hang over pedestrian sidewalks shall be maintained in good condition. If such awnings or other coverings are damaged by fire, wind, ice storm, or other cause, they shall be repaired or removed within ten days from date of discovery or notification. If they cannot be repaired within ten days, they shall be removed pending replacement or repair. In the event an awning or covering is damaged to the extent that it constitutes an immediate hazard to public safety, the awning or covering shall be immediately removed until repaired.
 - (5) All buildings or structures shall be inspected by the enforcement officer, or his designee, at least once every 12 months, whether occupied or unoccupied, for purposes of compliance with this section.

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- (6) All items and materials stored within buildings and structures shall be kept in an orderly fashion so as to allow easy access throughout the entire building or structure.
- (g) *Structural maintenance.* All buildings or structures shall be maintained in the following manner with regard to structural integrity:
- (1) The following components shall be of adequate size, strength, and without defect to support the load imposed thereon: footings and foundations, flooring or other flooring supports, walls, partitions or other vertical supports, ceilings, roofs and/or ceiling - roof supports or other horizontal structures.
- (h) *Fireplaces prohibited.* Open flame fireplaces or chimneys used for burning materials such as wood logs, man-made materials, wood pellets or other flammable materials shall not be allowed.
- (i) *Exterior of structures.* The following standards shall apply to the exterior of buildings or structures:
- (1) All doors shall be kept in good working condition and shall either be painted or made of material that does not require paint for protection from the elements.
- (2) All windows shall be kept in good working condition. Broken window panes, sash frames or other components of windows shall be at least temporarily repaired within ten days after discovery or notification.
- (3) Window repair and/or replacement shall be made using compatible energy efficient products to match the appearance, size, proportion and profile of existing historic features. Plywood, oriented strand board (osb), or plexiglass may be used for temporary repairs only.
- (4) Roofs shall be maintained in such a manner as to not allow water to infiltrate into the primary structure or other surrounding structures.
- (5) All mortar joints shall be kept in good condition.
- (6) To the extent that the exterior of any building or structure is damaged by fire, wind, storm, hail or other natural cause, or any accidental cause, the damaged area shall be repaired or removed in a prompt and diligent manner.
- (7) Footings, foundations and flooring shall be maintained free of large cracks and decay.
- (8) Walls shall be maintained in a manner that does not constitute decay.
- (j) *Other standards.*
- (1) All buildings and structures shall be maintained in a manner so as not to increase the chance for fire or other accidents.
- (2) All buildings and structures shall be kept free and clear of all excessive trash, debris and other rubble located inside or outside of such building or structure.
- (3) Alleys shall not be blocked so as to limit emergency access.
- (4) Refuse and trash containers shall be maintained in good working order and shall be covered.
- (5) All buildings or structures used for storage shall be appropriately screened so as not to allow passers by either on the sidewalk or on the street to view the contents thereof.
- (k) *Maintenance and repair standards.* All maintenance and repairs undertaken in order for properties to be in compliance with this section shall be completed in compliance with ordinances and building codes in existence at the time such maintenance and repairs are conducted.
- (l) *Right of entry.* The enforcement officer shall have the right, upon at least 24 hours' notice, to enter upon any property, building or structure for purposes of enforcing the provisions of this section. In the event there exists circumstances which, in the opinion of the enforcement officer, constitute an immediate hazard to

public safety, then the enforcement officer may immediately enter any property, building or structure in order to assess its condition.

- (m) *Notice of violation.* If, in the opinion of the enforcement officer, a violation exists, a written notice of violation shall be personally delivered and/or mailed, first-class postage prepaid, to the owner and/or occupant and/or tenant or lessee of the property stating the following:
- (1) The specifics of the violation;
 - (2) The repairs required to be made;
 - (3) A correction deadline;
 - (4) That upon request, the correction deadline may be extended for good cause shown as determined in the discretion of the enforcement officer;
 - (5) That if the violation is not cured by the correction deadline, the owner and/or occupant and/or tenant or lessee of the property may be issued a citation to appear in municipal court.
- (n) *Repairs undertaken by city.*
- (1) If the owner and/or occupant and/or tenant or lessee of the property fails to make the necessary repairs by the correction deadline, the city may elect to undertake the repairs itself in order to make the property safe and secure, or to let the same to contract by a third-party contractor. The city shall keep an account of the cost of such work.
 - (2) Thereafter, the city shall give notice to the owner and/or occupant and/or tenant or lessee of the property by first-class mail, postage prepaid, of the total cost incurred by the city in repairing the property and making it safe and secure. Such notice shall state that payment of such costs are due and payable within 30 days following the date of the notice. If the cost is not paid within the 30-day period, the balance owed the city may be collected in the manner provided by KSA 12-1,115 or shall be assessed as a special assessment against the property and the city clerk at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk requesting that the same be extended on the tax rolls of the county against such property.
- (o) *Immediate hazards.*
- (1) When in the opinion of the enforcement officer, any building or structure has a condition which constitutes an immediate hazard requiring immediate action to protect the public, the enforcement officer may erect barricades, cause the property to be vacated, or may repair, shore up or otherwise make safe the dangerous condition without delay, and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lien holders or occupants.
 - (2) Any cost incurred by the city in addressing repairs due to immediate hazard to public safety shall be collected in the manner provided in subsection (n)(2).
- (p) *Unlawful acts.* It shall be unlawful for any person to fail to comply with this section by failing to take corrective action by the corrective deadline set forth in the notice of violation.
- (q) *Penalty.* If any person is charged and convicted of an unlawful act as defined by this section, such person shall be fined a sum of up to \$500.00 for each violation, plus costs of the action. The penalty imposed may be a continuing per diem fine of up to \$500.00 per diem until the violation ceases or has been corrected.

(Ord. No. 4218, §§ 1—17, 3-17-16)