

ORDINANCE NO. 9563

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER 9, ARTICLE 6 OF THE CODE OF THE CITY OF LAWRENCE, 2018 EDITION, AND AMENDMENTS THERETO, AND ENACTING IN ITS PLACE CHAPTER 9, ARTICLE 6 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, WHICH ADOPTS AND INCORPORATES INTO THE CITY CODE BY REFERENCE, THE *2018 INTERNATIONAL PROPERTY MAINTENANCE CODE*, AS AMENDED HEREIN, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF LAWRENCE, KANSAS.

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

SECTION 1. Existing Chapter 9, Article 6, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by enacting Chapter 9, Article 6, which reads as follows:

ARTICLE 6. PROPERTY MAINTENANCE CODE

- 9-601 **PROPERTY MAINTENANCE CODE ADOPTED AND INCORPORATED.**
The *2018 International Property Maintenance Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the Property Maintenance Code of the City of Lawrence, Kansas, and is incorporated herein by reference as if set forth in full.

- 9-602 **OFFICIAL COPY.**
Not less than one (1) copy of the *2018 International Property Maintenance Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9563," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Property Maintenance Code.

- 9-603 **AMENDMENTS TO THE *2018 INTERNATIONAL PROPERTY MAINTENANCE CODE*.**
The *2018 International Property Maintenance Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2018 International Property Maintenance Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

9-604 **Section [A] 101.1 of the 2018 International Property Maintenance Code** is hereby deleted. In its place, the Governing Body enacts the following:

[A] 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Lawrence, Kansas.

9-605 **Section [A] 102.3 of the 2018 International Property Maintenance Code** is hereby amended to read as follows:

[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 and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70, all as adopted by the City. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

9-606 **Sections [A] 103.1, [A] 103.2, [A] 103.3, [A] 103.4, and [A] 103.5 of the 2018 International Property Maintenance Code** are hereby deleted. In their place, the Governing Body enacts the following:

[A] 103.1 General. The Director of Planning and Development Services, herein and in the 2018 International Property Maintenance Code referred to as the "code official," or his or her designee, shall be charged with enforcement of the Property Maintenance Code of the City of Lawrence, Kansas.

9-607 **Sections [A] 106.4 and [A] 106.5 of the 2018 International Property Maintenance Code** are hereby deleted. In their place, the Governing Body enacts the following:

[A] 106.4 Violation Penalties. Any person, who shall violate a provision of the this code, or fail to comply with this code, or with any of the requirements of this code, shall be prosecuted within the limits provided by state or local law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Any person convicted of a violation of any provision of this Article shall be punished by a fine in an amount not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), by a jail term of not less than 5 days, nor more than 3 months, or both by such fine and jail term.

[A] 106.5 Abatement of Violation. In addition to -- or as an alternative to -- prosecution under Section 106.4, the code official may seek abatement of a violation of this code. If a person to whom notice of violation has been sent has neither remediated the conditions causing the alleged violation nor requested a hearing before the Building Code Board of Appeals within the time specified, then the code official may present a resolution to the Governing Body for adoption authorizing the code official to abate the conditions causing the alleged violation at the end of 20 days after adoption of the resolution. The resolution shall provide that any costs of abatement incurred by the City shall be charged against the

person in violation of this code. A copy of the resolution shall be served on the person in violation in one of the following ways:

- a. by personal service;
- b. by certified mail, postage prepaid; or
- c. in the event that the person in violation cannot be located, despite the exercise of reasonable diligence and after an affidavit to that effect has been filed with the City Clerk, by publishing the resolution once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the property in violation.

9-608 **Section 109.3 of the 2018 International Property Maintenance Code** is hereby amended to read as follows:

[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~~ shall work with the Department of the City or other authority having jurisdiction to close sidewalks, streets, alleys, or other public ways/rights of way and places adjacent to unsafe *structures*, and prohibit the same from being utilized until the unsafe situation has been made safe.

9-609 **Section 110 of the 2018 International Property Maintenance Code**, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

[A] 110.1 General. The code official shall have the authority, in accordance with K.S.A. 17-4759, as amended, to order the owner of any premises upon which is located any structure, which in the code official's judgment, after review, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair the structure, to demolish and remove such structure; or, if such structure is capable of being made safe by repairs, to repair and to make safe and sanitary, or to board and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, the code official shall order the owner to demolish and remove such structure, or board the same until future repair. Boarding the structure for future repair shall not extend beyond 180 days unless approved by the code official.

[A] 110.1.1 Boarding Standards. All windows and doors boarded under this Article shall be boarded in such a manner as to prevent entry by unauthorized persons and, when such boarding exceeds 180 days, shall be painted to correspond to the color of the existing structure. Boarded windows and doors may remain unpainted beyond 180 days only if approved in writing by the code official for good cause shown.

[A] 110.2 Notices and Orders. All notices and orders related to the demolition of property shall be served in accordance with K.S.A. 17-4759, as amended.

[A] 110.3 Failure to Comply. If the owner fails to comply with the notice and order of demolition, then the City shall follow the procedures set forth at K.S.A. 17-4759 as amended, to enforce its notice and order.

9-610

Section 111 of the 2018 International Property Maintenance Code, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

[A] 111.1 Notice of appeal. Any *person* aggrieved by a decision of the *code official* or a notice or order issued under *this code* shall have the right to appeal to the Building Code Board of Appeals, provided that a written notice of appeal is served on the *code official* within 14 days after the day the decision, notice, or order was personally served or placed in the mail. A notice of appeal shall be based on a claim that the true intent of *this code* or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of *this code* do not fully apply, or the requirements of *this code* are satisfied by other means. The Notice of Appeal shall contain the following:

(1) A brief statement setting forth the legal interest of each of the appellants in the subject *building* or property that is the subject of the notice and order.

(2) A brief statement, in ordinary and concise language, of that specific order or action protested, together with any material facts claimed to support the contentions of the appellants. Only those matters or issues specifically listed by the appellants shall be considered in the hearing of the appeal.

(3) A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

(4) The signatures of all parties listed as appellants and their official mailing addresses.

[A] 111.2 Stays of enforcement. Appeal of a notice and order (other than an *imminent danger* notice and order) shall stay the enforcement of the notice and order until the appeal is heard and decided by the Building Code Board of Appeals.

[A] 111.3 Notice of hearing. After a Notice of Appeal has been served on the *code official*, the appeal shall be scheduled for a public hearing before the Building Code Board of Appeals as soon as practicable. Notice of the date, time, and place of the hearing shall be served on the appellant.

[A] 111.4 Open public hearing. All hearings before the Building Code Board of Appeals shall be open to the public. The appellant, the appellant's representative, the *code official* and any *person* whose interests are affected shall be given an opportunity to be heard.

[A] 111.5 Quorum. The Building Code Board of Appeals can take no official action unless a quorum is present. For the purposes of this Article, a quorum shall consist of not less than a majority of the then-current membership of the Building Code Board of Appeals.

[A] 111.6 Board Decision. The Building Code Board of Appeals shall affirm, modify, or reverse the decision of the *code official* only by a concurring vote of a majority of the members voting on the issue.

[A] 116.1 Enforcement. After any notice or order of the *code official* or the Building Code Board of Appeals made pursuant to *this code* becomes final, no *person* to whom any such order is directed shall fail, neglect, or refuse to obey any such notice of order. It shall be an unlawful act for any such *person* to fail to comply with such notice or order. Each day of non-compliance shall constitute a separate offense.

[A] 111.7 Court Review. Any party aggrieved by a decision of the Building Code Board of Appeals shall have the right, under Kansas law, to bring an appeal in district court in accordance with K.S.A. 60-2101(d), as amended. Appeal to the district court shall not operate as an automatic stay of the enforcement of any notice and order.

9-611

Section 202 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

ACCESSORY STRUCTURE. A secondary structure detached from the *principal structure*, but on the same *premises*, including but not limited to garages, sheds, barns, outbuildings, *portable on demand storage units*, and the like.

ACCESSORY USE. A use that is clearly incidental to, customarily found in connection with, and located on the same *lot* as the *principal use*, to which it is related.

ALLEY. A public or private way not more than 20-feet wide primarily designed to serve as a secondary means of access to an abutting property and located at the rear or side *lot line* of a *premises*.

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. ~~That portion of a building that is partly or completely below grade~~ That portion of a *building*, in which the finished surface of the floor, next above, is less than 6 feet above grade.

BATHROOM. A room containing plumbing fixtures, including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

BUILDING. Any *structure* having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING LINE. The line of an exterior *building* wall of a *principal building* or an *accessory structure* located upon a *lot* that is extended to the front, side, and rear *lot lines* of the *lot*.

BULKY WASTE. Items of solid waste that are too large or too heavy to be placed in a City issued Roll-out Cart, in a trash dumpster, or in any other type of container meeting criteria established by the Director of Municipal Services and Operations, which include boxes, household appliances, furniture, mattresses, plumbing fixtures, playground equipment, yard appliances and equipment, buckets and similar materials, but does not include vehicle major component parts, hazardous waste, demolition and construction waste, or *tree waste*.

CODE (or THIS CODE). The Property Maintenance Code of the City of Lawrence, Kansas.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of *this code*, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DRIVEWAY. A private drive or way providing access for *vehicles* to a single *lot* or facility that is surfaced in accordance with the surfacing requirements established at Section 20-913(e) of the City Code, as amended.

[BG] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said *lot* or *lots*.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the ~~structure~~ structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

EXTERIOR STRUCTURE. The exterior of any *structure* that is exposed to the weather or subject to and in contact with the elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, signs, and the like.

FRONT YARD. A space extending the full width of a *lot* between any *principal building* and the front *lot line* and measured perpendicular to the *building* at the closest point to the front *lot line*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GOVERNING BODY. The City Commission of the City of Lawrence, Kansas.

GRADE. The finished ground level adjoining the *building* at an exterior wall.

[BE] GUARD. A ~~building~~ *building* component or a system of ~~building~~ *building* components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a ~~structure~~ *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

HEAVY EQUIPMENT. A machine or *vehicle* that may or may not be a *motor vehicle*, which is often designed to execute earth moving and/or construction tasks. Such equipment is also commonly referred to as heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles or heavy hydraulics. Examples include but are not limited to skid steers, track hoes, back hoes, fork lifts, boom lifts, and the like.

HISTORIC BUILDING. Any ~~building~~ *building* or ~~structure~~ *structure* that is one or more of the following:

- (1) Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places;
- (2) Designated as historic under an applicable state or local law; or
- (3) Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to a ~~structure~~ structure or premises, of insects, bed bugs, rats, vermin, or other pests.

~~**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.~~

INOPERABLE VEHICLE. A condition of a vehicle being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed; or the absence of a current valid registration plate upon a motor vehicle permitting that motor vehicle to be operated on the public streets and highways of the State of Kansas; or the placement of a vehicle or parts thereof upon jacks, blocks, chains, or other supports.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LAWN AND YARD EQUIPMENT. A machine or tool that is designed to execute the mowing and trimming of grass and weeds or the trimming of trees or other machines required for the general maintenance of a *premises*. Examples include, but are not limited to blowers, chainsaws, push mowers, riding mowers, snow blowers, tillers, trimmers (weed eaters), and the like.

LET FOR OCCUPANCY (or LET). To permit, provide or offer possession or occupancy of a dwelling, *dwelling unit*, *rooming unit*, ~~building~~ *building*, ~~premise~~ *premises* or ~~structure~~ *structure* by a *person* who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LOT. A contiguous parcel or tract of land located within a single block fronting a dedicated *public way/right of way* that is occupied or utilized, or designated to be occupied, developed, or utilized.

LOT LINE. The boundary of a *lot*.

MOTOR VEHICLE. A vehicle propelled by power, other than muscular power, designed to travel along the ground by use of wheels, treads, runners, or slides and to transport persons or property, or to pull machinery. It includes, without limitation, automobiles, trucks and motorcycles, but does not include motorized bicycles, motorized wheelchairs, recreation vehicles, or heavy equipment.

NEGLECT. The lack of proper maintenance for a building building or structure structure.

[A] OCCUPANCY. The purpose for which a *building* or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping *in a building* building, or having possession of a space within a building building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any *person* who has charge, care, or control of a building, ~~structure~~ structure, or *premises* that is let or offered for *occupancy*.

OUTDOOR FURNITURE. Weather-resistant furniture that is designed and manufactured for outdoor use.

[A] OWNER. Any *person*, agent, *operator*, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

PARKED/PARKING. The temporary location of motor vehicles (except for inoperable vehicles), boats, trailers, and recreation vehicles for not more than 7 consecutive days (168 hours).

PARKING AREA. An area devoted to off-street parking or storing of vehicles on any one lot or parcel of land for public or private use that is surfaced in accordance to the surfacing requirements established at Section 20-913(e) of the City Code, as amended.

PERSON. ~~An individual, corporation, partnership or any other group acting as a unit.~~ Any natural person, business association, or business entity, including but not limited to a corporation, a partnership, a limited liability company, a sole proprietorship, and the like.

PEST ELIMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PORCH (ENCLOSED). A structure adjoining an entrance to a building that is fully enclosed by permanent walls, windows, screens, or other similar material, and that cannot be accessed from the outside except through a door that is capable of being locked.

PORCH (UNENCLOSED). A structure adjoining an entrance to a building that is not fully enclosed by permanent walls, windows, screens, or other similar material.

PORTABLE ON DEMAND STORAGE UNIT (or PODS). A steel-framed, water-resistant container designed for the secure storage of items.

[A] PREMISES. A lot, plot or parcel of land, or easement or public way, including any structures structures thereon.

PRINCIPAL BUILDING. A building in which the principal use of a premises is conducted. In a residential district, any dwelling unit shall be deemed to be the principal building on the premises on which the same is located.

PRINCIPAL USE. The primary purpose for which land or a building is utilized. The main use of the land or building is distinguished from a secondary or accessory use.

[A] PUBLIC WAY/RIGHT OF WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear height and width of not less than 10 feet (3048 mm). Any area of real property in which the City has a right-of-way interest, obtained either through acquisition or dedication. It shall include the area on, below, or above any present and future street, alley, avenue, road, highway, parkway, boulevard, or bridge, or other public way.

REAR YARD. A space extending the full width of a lot between any principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

RECREATION VEHICLE. A motorized, self-propelled vehicle or a vehicle pushed, towed, propelled by wind, or carried by a motorized, self-propelled vehicle that may be described as follows:

(1) It is designed to have temporary living quarters for recreation and camping;

(2) It is in all-terrain vehicle or a specialized off-road racing or competition vehicle that is not used for day-to-day transportation; or

(3) It is a boat, canoe, kayak, or personal watercraft on a trailer.

RECREATION VEHICLE (LARGE). A recreation vehicle with a body length of more than 20 feet or a height of more than 8 feet. The height is measured from the parking surface to the highest point of the recreation vehicle.

RECREATION VEHICLE (SMALL). A recreation vehicle with a maximum body length of 20 feet and a maximum height of 8 feet. The height is measured from the parking surface to the highest point of the recreation vehicle.

RESIDENTIAL LOT. A lot that is located within a zoning district that permits the residential use group of Household Living or Group Living, as those residential uses are established at Section 20-402 (Residential District Use Table) of the City Code, as amended, or a lot that has a dwelling unit located upon it and for which the dwelling unit is the principal use of the lot.

ROOMING HOUSE. A building ~~building~~ arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

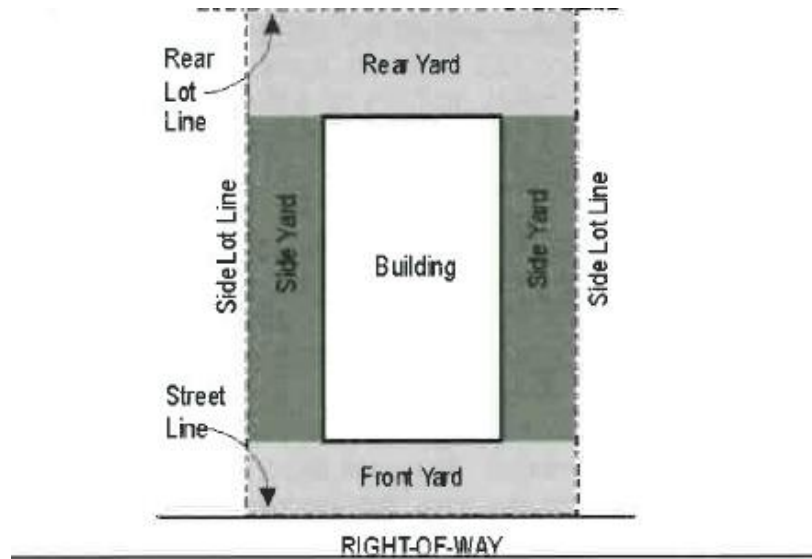
ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SALVAGE MATERIALS. Materials or parts, having some value, that are obtained from the disassembly of motor vehicles, vehicles, various kinds of machinery, mechanical appliances or equipment, and/or the demolition of buildings or structures.

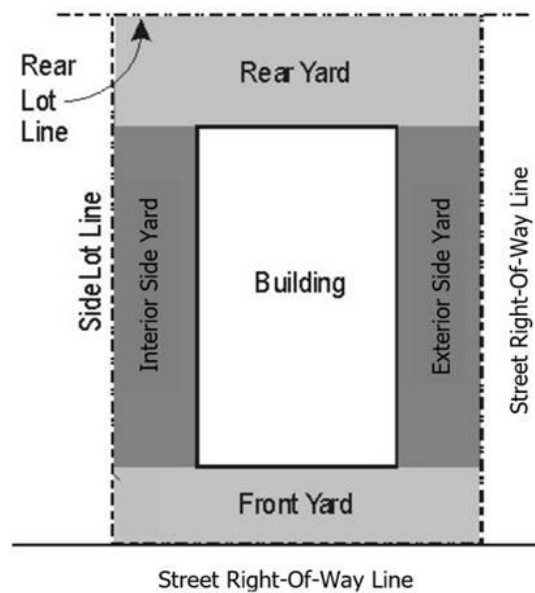
SETBACK. The minimum horizontal distance by which any building or structure must be separated from a street right-of-way or lot line.

SIDE YARD. A space lying between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard or, in the absence of either of such front yard or rear yard, to the front or rear lot lines. Side yard widths shall be measured perpendicular to the side lot lines of the lot.



SIDE YARD (EXTERIOR). A space lying between the exterior side line of the *lot* abutting a *public way/right of way* and the nearest line of the *principal building* and extending from the *front yard* to the *rear yard* or, in the absence of either of such *front yard* or *rear yard*, to the front or rear *lot lines*. *Side yard* widths shall be measured perpendicular to the side *lot lines* of the *lot*.

SIDE YARD (INTERIOR). A space lying between the interior side line of the *lot* abutting a *lot* and the nearest line of the *principal building* and extending from the *front yard* to the *rear yard* or, in the absence of either of such *front yard* or *rear yard*, to the front or rear *lot lines*. *Side yard* widths shall be measured perpendicular to the side *lot lines* of the *lot*.



[BG] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STORED (or STORAGE). The keeping, storing, placing, or locating, on *exterior property* on any *premises*, for more than 7 consecutive days (168 hours), of goods, products, tools, machinery, equipment, *vehicles, trailers*, or other similar items that are not allowed as a *principal use* or an *accessory use* of the *premises* or property under Chapter 20 of the City Code, as amended.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed, or a portion thereof.

SWIMMING POOL. Any *structure*, intended for swimming, recreational bathing, or washing, that contains water over 24 inches (610 mm) in depth. Swimming pools include, but are not limited to in-ground, above-ground, and on-ground pools, hot tubs, spas, and fixed in-place wading pools.

TARPAULIN (or TARP). A heavy-duty, waterproof covering that is used to protect exposed exterior objects or areas.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. An enclosed or open *vehicle*, without motorized or self-propelled power, designed to be drawn by a *motor vehicle* to transport items.

TRAILER (LARGE): An open or enclosed *trailer* with a body length of more 20 feet or a height of more than 6 feet. The height is measured from the parking surface to the highest point of the *trailer*.

TRAILER (SMALL). An open or enclosed *trailer* with a maximum body length of 20 feet and a maximum height of 6 feet. The height is measured from the parking surface to the highest point of the *trailer*.

TRASH RECEPTACLE. A City issued Roll-out Cart or other *trash receptacle*, whether used to hold garbage, rubbish, yard waste, or recyclable materials, but excluding paper bags, shopping bags, cardboard boxes, paper boxes, pasteboard boxes, fiberboard boxes, plastic containers, barrels, wicker baskets or the like.

TREE WASTE. All tree or shrub waste, including tree stumps removed from the ground, but not including the following: leaves; tree trimmings or branches tied in bundles not more than 18 inches in diameter and not more than 5 feet long placed beside a *trash receptacle(s)* for collection in accordance with City Code Chapter 9, Article 4, or Section 308.4 of *this code*; vegetation pruning or wood chips placed in a *trash receptacle*; or firewood stacked in accordance with Section 302.10, Exception 1, of *this code*.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

UPHOLSTERED FURNITURE. Furniture that is designed only for indoor use and is manufactured with fabric coverings, cushioning, stuffing, springs or similar like materials.

URBAN AGRICULTURE. The growing, processing, and distribution of plant and animal products – by and for the local community – within an urban environment. *Urban agriculture* includes, but is not limited to: aquaculture, horticulture, permaculture, hydroculture, agroforestry, beekeeping, gardening, animal husbandry, and similar activities. Complementary activities associated with urban agriculture include the distribution of food, the collection and reuse of food waste and rainwater, and public outreach activities such as education and employment. *Urban agriculture* does not include such commercial activities, such as commercial dog kennels, dog breeding facilities, livestock sales, or other similar commercial endeavors.

URBAN AGRICULTURE IMPLEMENTS, EQUIPMENT, OR MATERIALS. Tools, movable structures, and soil amendments used for small-scale, primarily manual agricultural production. Typical items include, but are not limited to: non-powered implements such as buckets, baskets, compost bins or barrels, fencing, ladders, landscape stones, low tunnels, rakes, shovels, trellising, rain barrels, and the like; or, powered implements such as chain saws, chipper-shredders, mowers, rototillers, tractors and materials such as mulch, compost, hay or straw bales, top soil, and the like.

URBAN FARM. An *urban agriculture* use that is operated primarily for commercial purposes. An *urban farm* is distinguished from other *urban agriculture* uses by scale.

(1) An *urban farm* may have a larger retail sales area and/or more agricultural animals than permitted for crop agriculture and/or small and large animal agriculture as defined within Chapter 20 of the City Code, as amended.

(2) An *urban farm* may include other uses such as an educational/training component and/or agricultural processing as defined by Chapter 20 of the City Code, as amended.

VEHICLE. A means of conveyance used to transport passengers or things by land, water, or air, including *motor vehicles, recreation vehicles, trailers, tractors, boats* and any vehicle drawn, propelled, or driven by any kind of power, excluding muscular power.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

[Z] YARD. An open space, located on the same lot with a structure *building*, unoccupied and unobstructed from the ground up.

ZONING DISTRICT. A portion of the territory of the City of Lawrence within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the City's Land Development Code, codified as amended at Chapter 20 of the City Code.

9-612

Sections 302.2 and 302.3 of the 2018 International Property Maintenance Code are hereby amended to read as follows:

302.2 Grading and drainage. All *P*remises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Storm water must be diverted away from any *structure* and said diversion of storm water shall not constitute a hazard or nuisance to any adjacent property.

Exceptions:

1. Approved retention areas and reservoirs.
2. Landscaped berms that are landscaped with living vegetation.

302.3 Sidewalks and driveways. All *S*idewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas, including those that are located in public ways/rights of way, shall be kept in a proper state of repair, and maintained free from hazardous conditions.

9-613

Section 302.4 of the 2015 International Property Maintenance Code is hereby deleted.

9-614

The 2018 International Property Maintenance Code is hereby amended by adding Section 302.7.1, which reads as follows:

302.7.1 Fences. All fences shall comply with Chapter 16, Article 6 of the City Code, and amendments thereto. All fences shall be maintained in a plumb manner and in sound condition, free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with a material compatible with the undamaged portions of the fence. Where fencing has been previously painted and there are areas of chipping, peeling,

scaling or missing paint equal to or greater than 20 percent of the fence surface, then such surface shall be repainted or shall be stripped of all paint.

9-615 **Section 302.8 of the 2018 International Property Maintenance Code** is hereby deleted. In its place, the Governing Body enacts the following:

302.8 Inoperable Vehicles. Except for *premises* that are approved for a use that permits the *parking* or *storage* of *inoperable vehicles*, as regulated by the City's Land Development Code, codified as amended at Chapter 20 of the City Code, no *inoperable vehicle*, *unlicensed motor vehicle*, or *recreation vehicle* shall be parked, kept, or stored on *exterior property*, and no *vehicle*, *recreation vehicle*, or *trailer* shall, at any time, be in a state of disassembly, disrepair, or in the process of being stripped or dismantled on *exterior property*.

Exception: A *vehicle* or *trailer* of any type is permitted to undergo major overhaul, including engine work, body work or painting, provided that such work is performed inside a *structure* or similarly enclosed area designed for such purposes and the property's *zoning district* allows for such work to be performed as regulated by Chapter 20, Article 4 of the City Code, as amended.

9-616 **Section 302.9 of the 2018 International Property Maintenance Code** is hereby deleted in its entirety. In its place, the Governing Body enacts the following:

302.9 Required off-street parking spaces. Required off-street *parking* spaces for any *premises* as established at Sections 20-902 and 20-903 (Off-Street Parking Schedule, A & B) of Chapter 20 of the City Code, as amended, shall not be used for the *storage* of *vehicles*, *recreation vehicles*, or *trailers*, or components thereof. There is no limit to the number of *vehicles*, *recreation vehicles*, and/or *trailers* stored on a *premises* within an enclosed garage, enclosed *accessory structure*, or similar enclosed *building*, provided that the *vehicles*, *recreation vehicles* and/or *trailers* are not stored on any off-street parking space required by the City Code.

302.9.1 Motor vehicle parking. *Motor vehicles* are not permitted to be parked or stored within a *front yard*, *side yard*, or *rear yard*, unless located on an approved *driveway* constructed in accordance with the City Code, as amended.

302.9.2 Motor vehicle size limit on a residential lot. Off-street *driveways* and *parking areas* shall only be used by *motor vehicles*, with a maximum length of 24 feet or a maximum height of 9 feet, or by *recreation vehicles* and *trailers* and shall meet the requirements established at Sections 302.9.3 through 302.9.8, inclusive, of *this code*.

302.9.3 Vehicles, recreation vehicles and trailers parked and stored on a residential lot. All *vehicles*, *recreation vehicles*, and *trailers* may only be parked or stored on a *residential lot*, upon which a *principal building* is located, and shall meet the requirements established at Sections 302.9.3 through 302.9.11, inclusive, of *this code*.

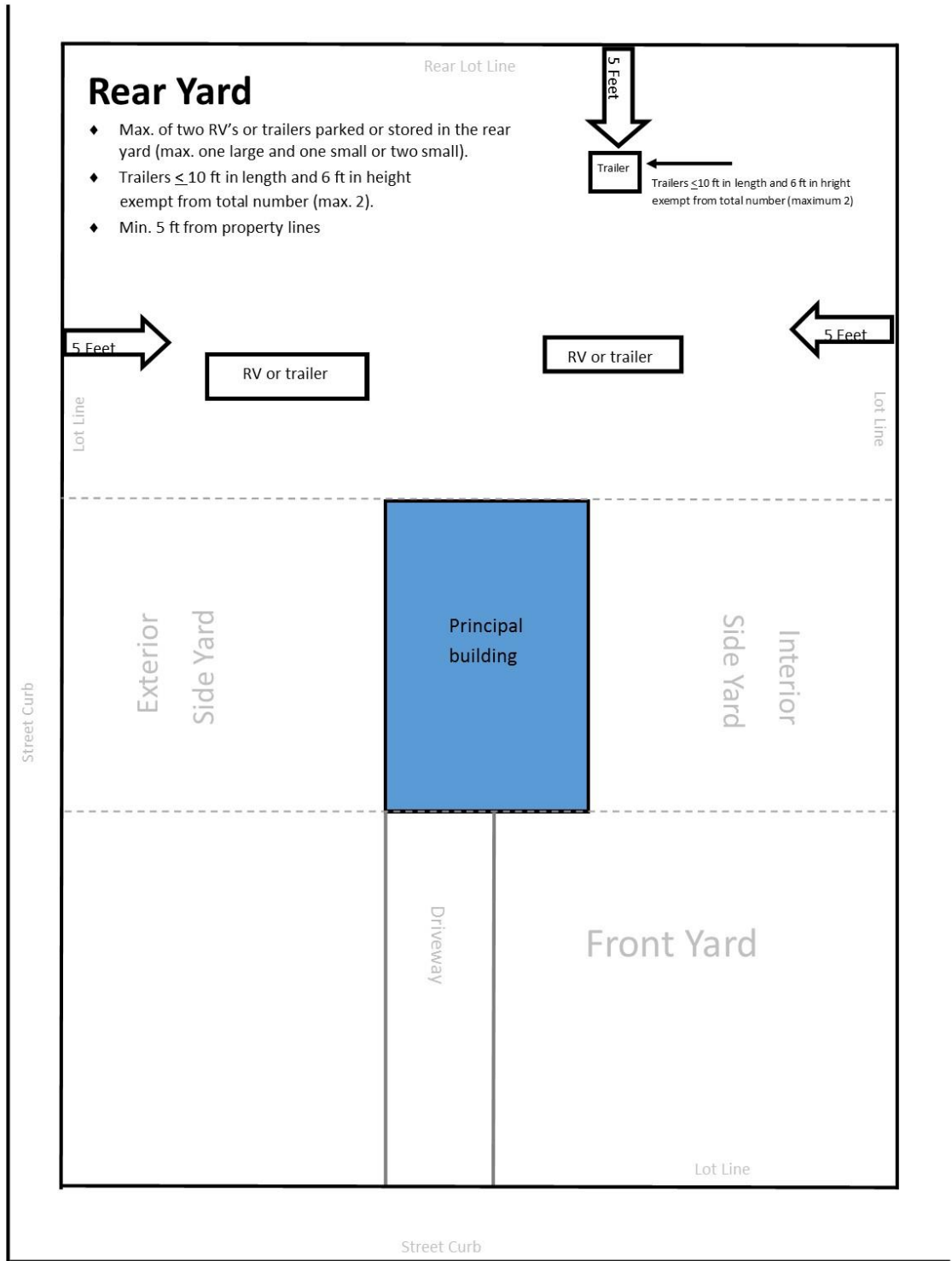
302.9.4 Recreation vehicles and trailers parked and stored on a residential lot where a detached dwelling or duplex use is established. A maximum of 3 recreation vehicles and trailers, in any combination thereof, with no more than one large recreation vehicle or large trailer, may be parked or stored on exterior property on a premises, where a detached dwelling or duplex use is established. Unenclosed trailers, 10 feet or less in length and 6 feet or less in height, not to exceed two in number, do not count toward the maximum number of recreation vehicles or trailers, or combination thereof, when stored in a rear yard. Recreation vehicles and trailers shall, when parked or stored within a rear yard, side yard (interior and exterior), or front yard, where a detached dwelling or duplex use is established, meet the requirements of Sections 302.9.5 through 302.9.10, inclusive, of this code.

302.9.5 Parked and stored within a rear yard. Recreation vehicles and trailers may be parked or stored within a rear yard, as shown in Diagram 1, without being located on an approved driveway or parking area. A maximum of two recreation vehicles and/or trailers, in any combination thereof may be parked or stored within a rear yard and shall have a minimum setback of 5 feet from the side and rear lot lines.

Exceptions: Corner lots with a rear lot line that abuts a side lot line of another residential lot, as shown in Diagram 3, shall comply with either of the following:

1. When parked or stored on an approved driveway or parking area, the recreation vehicle or trailer shall be at least 18 feet from the face of the street curb, or, in the absence of a curb, the pavement edge of the street, and shall not extend over a sidewalk; or
2. When parked or stored outside an approved driveway or parking area, the recreation vehicle or trailer shall be located behind the required front yard setback of the adjacent premises, pursuant to the setback requirements established at Section 20-601 (Density and Dimensional Standards) of the City Code, as amended.

Diagram 1: Rear Yard Abutting Adjacent Rear Yard (Corner or Interior Lot)



302.9.6 Parked and Stored within a rear yard adjacent to an alley. When a *rear yard* is adjacent to an *alley*, the *rear yard setback* does not apply. On *lots with an exterior side yard*, the *side yard setback* shall be 10 feet from the exterior side *lot line*. On *lots with an interior side yard*, the *setback* shall be 5 feet, as shown in Diagram 2.

Diagram 2: Rear Yard Abutting an Alley

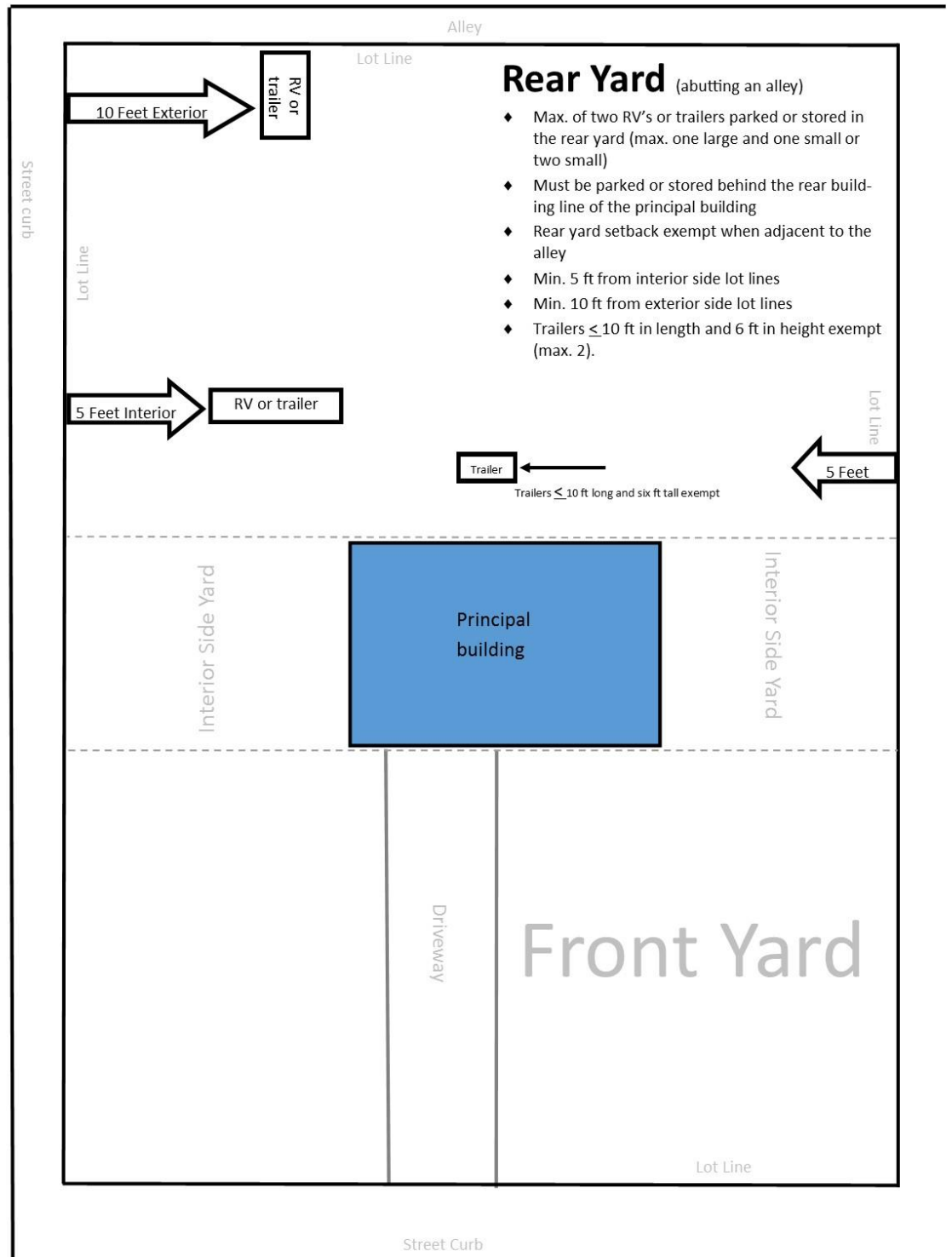
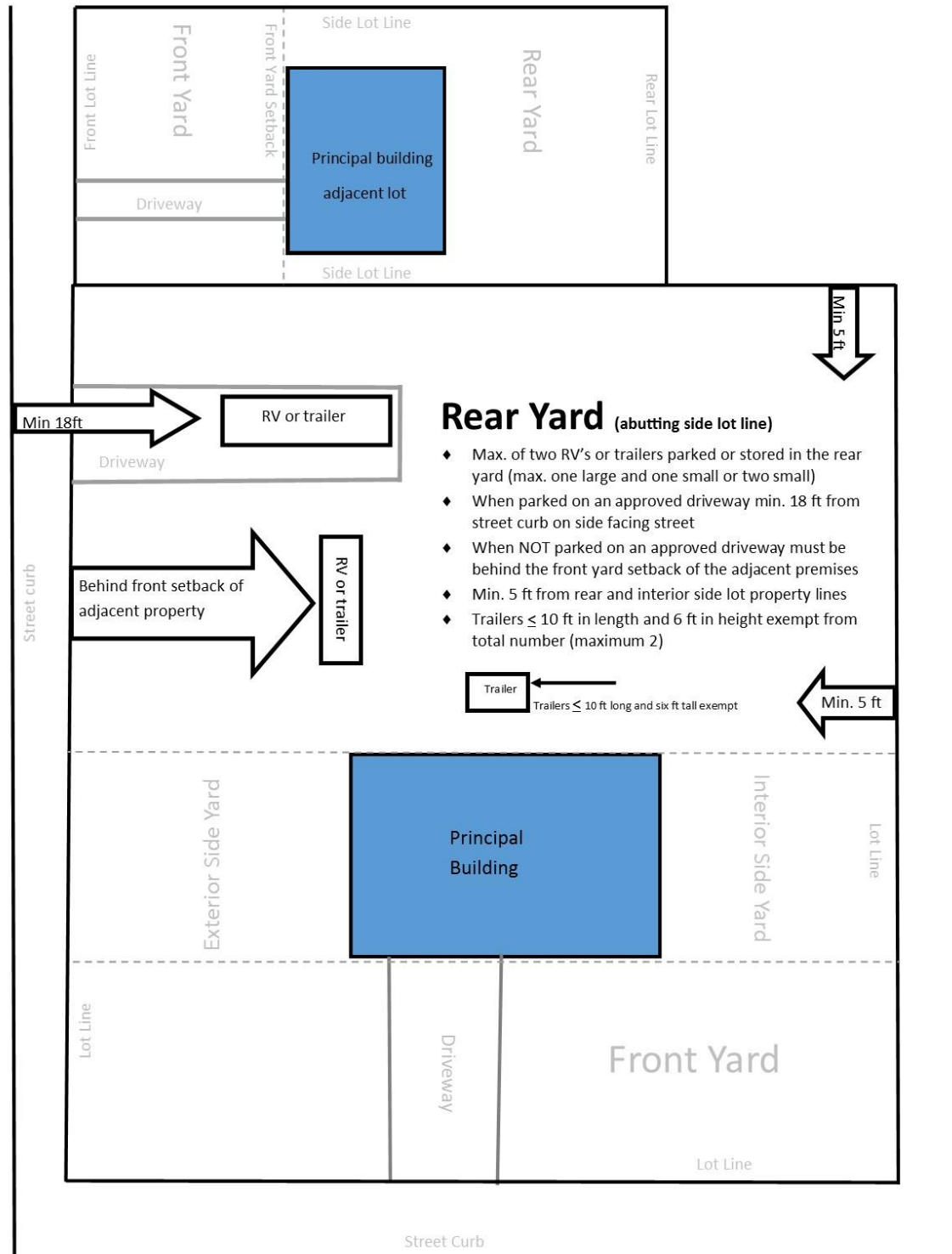


Diagram 3: Rear Yard Abutting Side Lot Line of Adjacent Residential Lot



302.9.7 Parked and stored within an interior side yard. *Recreation vehicles and trailers may be parked or stored outside an approved driveway or parking area, as shown in Diagram 4, but must comply with the following:*

- a. They shall be parked or stored within 10 feet of the principal building or an accessory structure;
- b. They shall be parked or stored parallel to the principal building wall or the accessory structure wall that faces the interior side yard lot line; and
- c. They shall be parked or stored at least 2 feet from the side yard lot line.

302.9.8 Parked and stored within an exterior side yard. *Recreation vehicles and trailers shall be parked or stored on an approved driveway, constructed with materials in accordance with the City Code, as shown in Diagram 4, and shall comply with the following:*

- a. They shall be located a minimum of 18 feet from the back of the street curb, or, in the absence of a curb, from the pavement edge of the street, when parked or stored on an approved driveway, and shall not extend over a sidewalk; and
- b. They shall not create an intersection visibility obstruction between a height of 3 feet and 10 feet, within the triangular area formed by an imaginary line starting at the point of intersection of corner lot lines and extending 25 feet from their point of intersection, as identified in Diagram 5.

Diagram 4: Interior and Exterior Side Yard

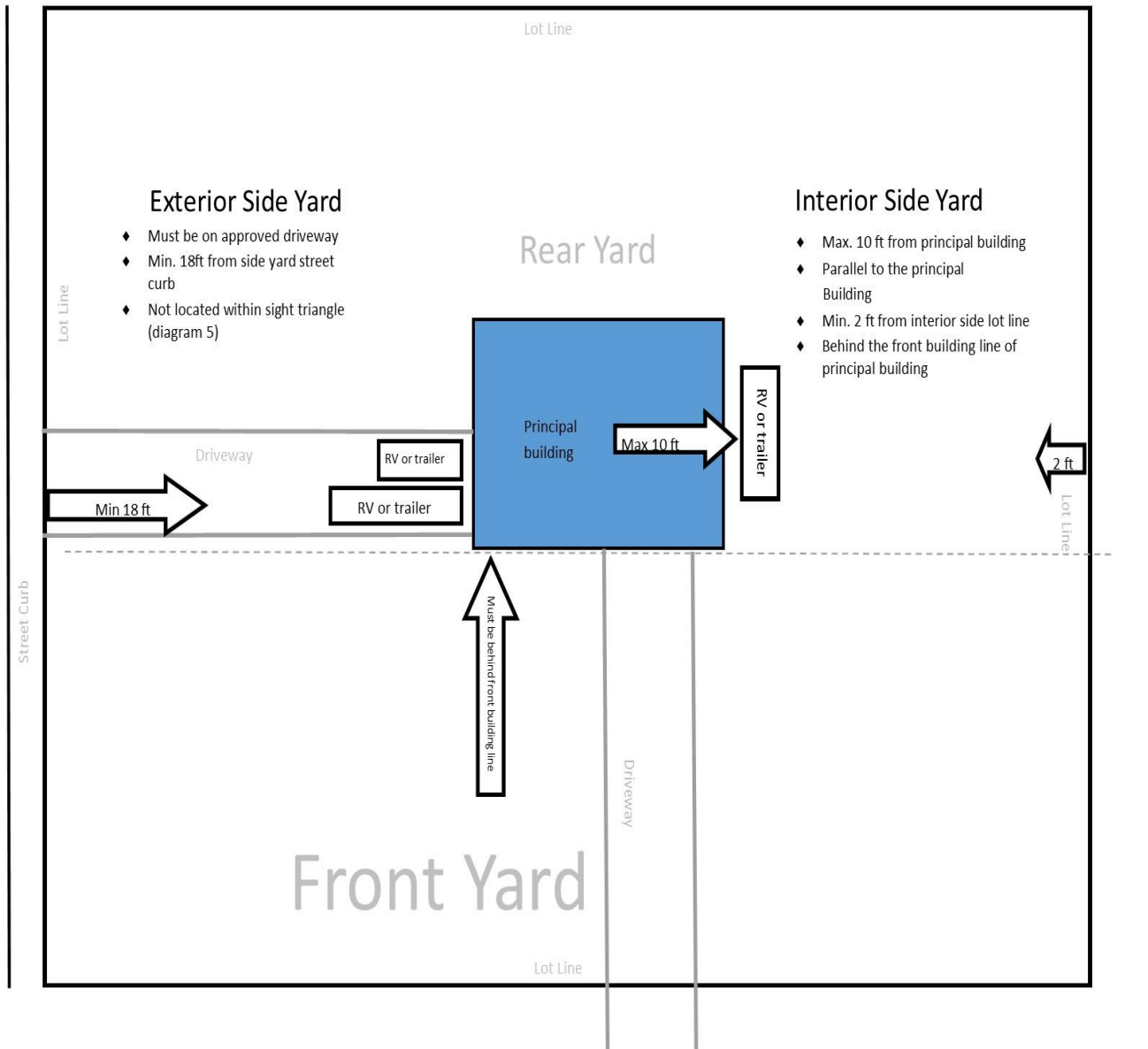
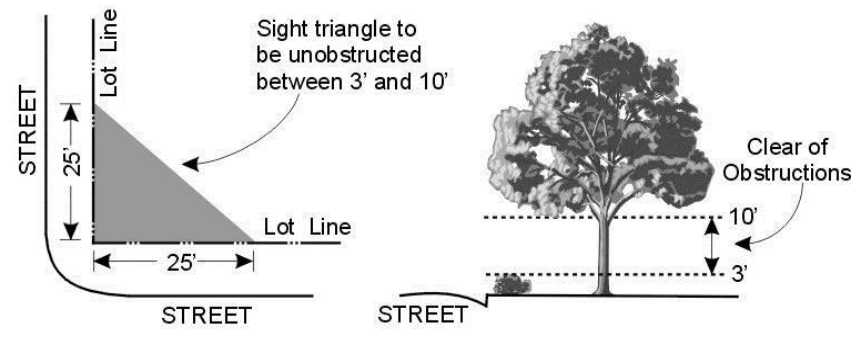


Diagram 5: Sight Triangle

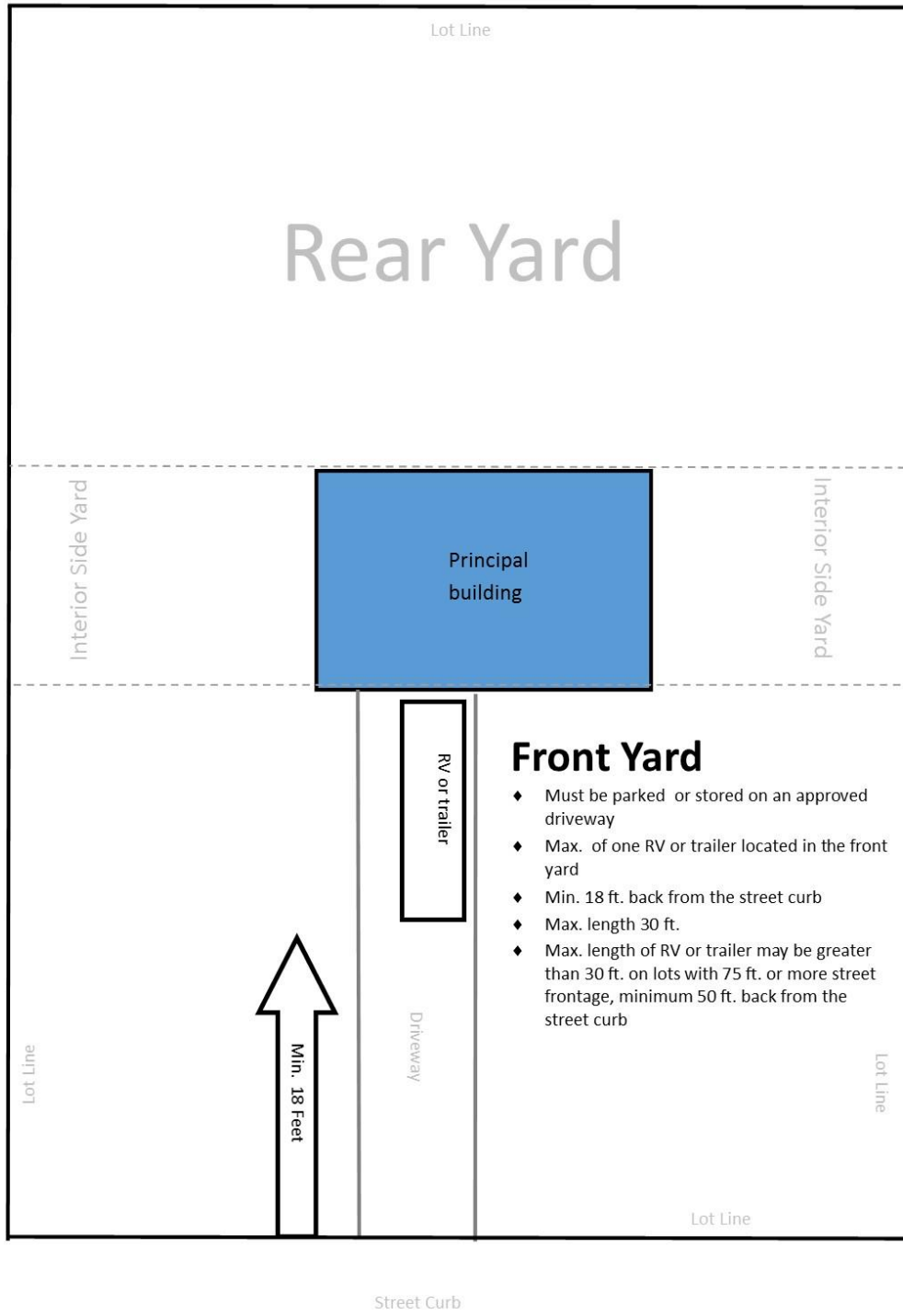


302.9.9 Parked and stored within a front yard. Only one recreation vehicle or one trailer may be parked or stored on an approved driveway, constructed with materials in accordance with the City Code, as shown on Diagram 6, and shall comply with the following:

- a. The body of the recreation vehicle or trailer shall be at least 18 feet from the face of the street curb, or, in the absence of a curb, the pavement edge of the street, and shall not extend over a sidewalk; and
- b. The body of the recreation vehicle or trailer shall not exceed 30 feet in length.

Exception: Recreation vehicles and trailers may exceed 30 feet in length when parked or stored on lots that have a minimum of 75 feet of front yard street frontage, are greater than a half-acre in lot size, and the body of the recreation vehicle or trailer is located at least 50 feet from the face of the street curb or, in the absence of a curb, from the pavement edge of the street.

Diagram 6: Front Yard (Any Lot)



302.9.10 Recreation vehicles and trailers parked and stored where a multi-dwelling residential or non-residential use is established. All *vehicles, recreation vehicles, and trailers* must be *parked or stored* on an *approved driveway or parking area*, constructed with materials in accordance with Section 20-913(e) of the City Code, as amended, unless such *premises* has an approved site plan that permits an alternative surface material. For *premises* with an approved site plan, the required number of parking spaces shall be maintained in accordance to the parking specifications identified on the site plan.

302.9.11 Prohibited use of motor vehicles and recreation vehicles parked or stored on premises. *Motor vehicles and Recreation vehicles* shall not be used for living or sleeping purposes and shall not be connected to sewer, water, or electricity utilities, except for cleaning or preparation purposes, and shall not be used for the storage of goods, materials, or equipment, other than those items considered to be essential for its use as a *motor vehicle or recreation vehicle*.

Exception: *Premises* that are located in a *zoning district* that permits transient accommodation use (campground) as set forth in Section 20-403 (Non-Residential District Use Table) of the City Code, as amended.

302.9.12 Heavy equipment prohibited to be parked or stored on a premises. *Heavy equipment* shall not be *parked or stored* on any *residential lot* unless such equipment is being actively used for construction work upon the *premises*. *Heavy equipment* may be *parked or stored* on a *non-residential lot* if the *zoning district* for the *premises* for which the *heavy equipment* is located permits such use and such parking or storing has been approved through an *approved site plan*.

9-617

The ***2018 International Property Maintenance Code*** is hereby amended by adding Sections 302.10, 302.11, 302.12, 302.13, 302.14, 302.15 and 302.16 which read as follows:

302.10 Exterior Property storage. No person shall allow on any *yard, unenclosed porch, deck, balcony, unenclosed trailer, or any other exterior property area* of a *premises*, the *storage* or accumulation of items consisting of but not limited to the following: *building/construction materials, bulky waste garbage, heavy equipment, household appliances, lawn and yard equipment, rubbish, salvage materials, tree waste, vehicle parts, or similar items* that are not manufactured or intended for storage or use within a *yard, unenclosed porch, deck or balcony*, unless the *zoning district* for the *premises* permits *stored* items in accordance with the City's Land Development Code, Chapter 20 of the City Code, as amended.

Exceptions:

1. Firewood that is neatly stacked, provided that such storage shall not be located within the front yard, as that term is defined in this Chapter.
2. Building/construction materials that are neatly stacked and are actively being used to improve the property on which they are located.

3. Landscape materials such as edging stones, patio pavers, bricks, mounded or bagged soil, mulch, gravel, rock or similar natural materials that are neatly stacked and are actively being used to improve the property on which they are located.
4. Lawn and yard equipment that is in good working condition, used solely for personal residential use and located upon residential lots, where a detached dwelling or duplex use is established, may be stored within an interior side yard or rear yard.
5. Exterior storage that is permitted as an accessory use to a principal use in specific non-residential zoning districts and that have an approved site plan for such use as required by Chapter 20 of the City Code.
6. Urban agriculture implements, equipment or materials that are being used in the day-to-day operation of a permitted crop or animal agriculture use may be located within the exterior property of a premises.
 - a. Urban agriculture implements, equipment or materials that are not being used in the day-to-day operations shall be stored within the side yard or rear yard, as those terms are defined herein. Those items may not be stored within the front yard of the principal building or within the street right of way.
 - b. Stored urban agriculture implements, equipment or materials shall be screened from view of adjacent properties or right of way with vegetation, fencing, walls, or a combination thereof; or shall be located within an enclosed structure.
 - c. Alternative storage locations and screening may be approved for urban agriculture implements, equipment or materials with the special use permit for an urban farm as required per Section 20-551 of the City Code, as amended.

302.11 Furniture. It shall be unlawful for any person to allow on any yard, unenclosed porch, deck, balcony or other exterior property of any premises, furniture, other than outdoor furniture, as that term is defined in this code.

302.12 Upholstered furniture. It shall be unlawful for any person to allow on any unenclosed porch, deck, balcony, or other exterior property of any premises, upholstered furniture, including, but not limited to, upholstered chairs, upholstered couches, mattresses, or similar items. This section does not apply to outdoor furniture or to an enclosed porch, as those terms are defined in this code.

302.13 Trees, tree limbs and tree waste. No person shall allow in their yard any tree waste, or any dead or substantially dead tree (or dead or damaged tree limbs) that create a hazardous or unsafe condition.

302.14 Tarpaulin restricted exterior use. A tarpaulin (tarp) may only be used temporarily, which is typically not more than 30 consecutive days in duration unless otherwise approved by the code official. Tarps shall not be used for the covering

of vehicles or the openings of garage doors, exterior doors, windows or other similar openings, and shall not be used as a screening element for buildings or structures, including, but not limited to porches, balconies, decks, fences, and the like. Exterior coverings that are specifically designed to cover motor vehicles and recreation vehicles are permitted and shall be maintained in good condition.

302.15 Portable on demand storage unit where a detached dwelling or duplex use is established. One portable on demand storage unit (PODS) with a maximum height of 8 feet and a maximum length of 16 feet may be located within the front yard on an approved driveway or parking area or within a side yard or a rear yard on a temporary basis, which is typically less than 30 consecutive days or less in duration unless approved by the code official. PODS used for longer than 30 consecutive days shall comply with the General Standards for Accessory Structures as identified in Section 20-533 of the City's Land Development Code.

302.16 Portable on demand storage unit where a multi-dwelling residential or non-residential use is established. Portable on demand storage units (PODS) of any size are permitted to be located on a premises as a short-term use, which is typically not more than 30 consecutive days in duration unless otherwise approved by the code official. PODS used for more than 30 consecutive days are considered to be an accessory structure that shall comply with the General Standards for Accessory Structures as established at Section 20-533 of the City Code, as amended, and shall, through site plan review and approval, comply with the following:

- a. PODS stored on premises are subject to the applicable Development Review Procedures identified at Section 20-1305 of the City Code, as amended.
- b. PODS located on premises that are located within a Commercial or Industrial Use Group, as classified in Sections 20-402 and 20-403 of the City Code, as amended, shall comply with the Community Design Manual as identified at Section 20-1305(a) of the City Code, as amended.

9-618

Sections 303.2 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier ~~no~~ not less than ~~48 inches (1219 mm)~~ 72 inches (1829 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not permit the passage of a 4-inch diameter (102 mm) sphere. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from the open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

9-619

Sections 304.7, 304.13.2, and 304.14 of the 2018 International Property Maintenance Code are hereby amended to read as follows:

304.7 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 shall not be discharged in a manner that creates a public nuisance.~~

Exception: This section shall not apply to lawn sprinklers.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable ~~and capable of being held in position by window hardware.~~

304.14 Insect screens. ~~During the period from (DATE) to (DATE), 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 per inch (16 mesh per 25mm), and Every screen door used for insect control shall have a self-closing device in good working order. A minimum of one window of every habitable space shall be supplied with an approved tightly fitting screen that effectively provides insect control.~~

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

9-620

Section 307 of the 2018 International Property Maintenance Code, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

307.1 Handrails. All buildings and structures shall provide handrails in accordance with the building code under which they were constructed. For buildings and structures constructed during a time when no building code provisions relating to handrails were in effect, the following provision shall apply:

307.1.1 Handrails required. Every exterior and interior flight of stairs having more than 4 risers shall have a handrail on one side of the stairs. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

307.2 Guardrails. All buildings and structures shall provide guardrails in accordance with the building code under which they were constructed. For buildings constructed during a time when no building code provision relating to guardrails were in effect, the following provision shall apply:

307.2.1 Guardrails required. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above floor or grade below shall have guardrails. Every open portion of a stair that is greater than 42 inches (1067 mm) above floor or grade below shall have guardrails. Guardrails shall not be less than 30 inches (762 mm) in height above the floor of a landing, balcony, porch, deck, ramp or other walking surface.

307.2.2 Guardrail spacing. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) inches above the floor or grade below shall have guardrails that contain intermediate rails, balusters or other construction methods that are judged to be safe by the *code official*. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is greater than 42 inches (1067 mm) above floor or grade below shall have guardrails that contain intermediate rails, balusters or other construction methods that do not allow for the passage of a sphere 6 inches (153 mm) in diameter.

Exceptions:

1. Guardrails shall not be required where exempted by the adopted building code.
2. Where required guardrails, intermediate rails, balusters, or other constructions methods are missing in their entirety for a portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface, the building components shall be installed in accordance with the adopted building code.
3. Guardrails, intermediate rails, balusters, and other construction methods located on an open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface less than 42 inches (1067 mm) above floor or grade below may be repaired to original condition if judged to be safe by the *code official*.

9-621 **Sections 308.2.1, 308.3.1, and 308.3.2 of the 2018 International Property Maintenance Code** are hereby deleted.

9-622 **Sections 308.2 and 308.3 of the 2018 International Property Maintenance Code** are hereby amended to read as follows:

308.2 Disposal of rubbish and bulky waste. Every *occupant* of a structure shall dispose of all *rubbish and bulky waste* in a clean and sanitary manner ~~by placing such rubbish in approved containers.~~

308.3 Disposal of garbage. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner ~~by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

9-623 **The 2018 International Property Maintenance Code is hereby amended by adding Section 308.4, which reads as follows:**

308.4 Disposal of garbage, rubbish, and trash. It shall be unlawful for any *person to:*

- a. Fail to use the City roll-out trash cart, as required by Section 9-403 of the City Code, as amended, for the containment of garbage, refuse, or trash.
- b. Fail to clean-up or remove garbage, refuse, or trash scattered or spilled, whether caused by the condition of the City roll-out trash cart or other trash receptacle, animals, wind, or any other cause, before the arrival of the City's collection staff.
- c. Place the City roll-out trash cart or any other trash receptacle in the right of way or at the designated point of collection earlier than 7:00 a.m. on the day immediately preceding the scheduled day of collection.
- d. Fail to remove, within 24 hours after the City collection staff has left, the City roll-out trash cart or other trash receptacle, containing garbage, refuse, or trash, that was not collected because such packaging was not in compliance with Section 9-404 of the City Code, as amended.
- e. Store any City roll-out trash cart or other trash receptacle, except when lawfully placed for collection, in an exterior location that is more than 3 feet from the exterior wall of the principal building or accessory structure.
- f. Fail to store or secure, in locations where trash collection occurs in an alley, the City roll-out trash cart or other trash receptacle in a manner that reasonably prevents the scattering of the City roll-out trash cart or other trash receptacle and any garbage, refuse, or trash contained therein.

9-624

Sections 309.3 and 309.4 of the 2018 International Property Maintenance Code are hereby amended to read as follows:

309.3 Single occupant. The *occupant* of a ~~one-family dwelling~~ detached dwelling unit or of a single-tenant nonresidential *structure* shall be responsible for pest elimination on the *premises* after 30 days of occupancy.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house*, or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and ~~exterior property~~ all exterior areas of the premises. ~~If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.~~ The owner of such structure shall be responsible for pest elimination in the interior of any dwelling unit where infestation is discovered within the first 30 days of a new tenancy.

9-625

The 2018 International Property Maintenance Code is hereby amended by adding **Section 309.6**, which reads as follows:

309.6 Bed bug infestation. The *code official* is hereby authorized to promulgate regulations governing the procedure for the extermination of bed bugs in the event of a bed bug infestation. Those regulations shall be posted on the City's website and shall otherwise be made available to all landlords within the City.

9-626

Section 404.7 of the 2018 International Property Maintenance Code is hereby deleted. In its place, the Governing Body enacts the following:

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage. Any kitchen stove or refrigerator supplied by the property owner shall be maintained in a safe working condition.

9-627

Sections 602.2, 602.3, and 602.4 of the 2018 International Property Maintenance Code are hereby amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*. ~~Based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code.~~ Cooking appliances shall not be used, nor shall portable electric or unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: ~~In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from (DATE TO (DATE))~~ to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*.

Exceptions:

- ~~1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~
- ~~2. In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat ~~during the period from (DATE) TO (DATE)~~ to maintain a temperature of not less than 65°F (18°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.

9-628

Section 605.2 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

605.2 Receptacles. Every habitable space in a dwelling shall contain not less than at least two separate and remote receptacle outlets. All receptacle outlets shall have the appropriate faceplate cover for the location. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground-fault circuit interrupter. Every bathroom shall contain not less than one receptacle, and all bathroom receptacles A new bathroom receptacle outlet shall be have ground fault circuit interrupter protection. All receptacles located within 6 feet (1829mm) of a water source shall be ground-fault circuit-interrupter protected. outlets shall have the appropriate faceplate cover for the location.

Exceptions:

1. A single receptacle outlet serving power to a refrigerator that is located within 6 feet (1829 mm) of a water source shall not be required to be ground-fault circuit-interrupter protected.
2. A duplex receptacle outlet serving power to a refrigerator that is located within 6 feet (1829 mm) of a water source but is not readily accessible for other appliance use shall not be required to be ground-fault circuit-interrupter protected.

9-629

The 2018 International Property Maintenance Code is hereby amended by adding **Sections 702.4.1, and 702.4.2**, which read as follows:

702.4.1 Emergency egress for sleeping rooms in basements. Every sleeping room, located in a basement, shall have at least one operable emergency escape and rescue opening. Such openings shall have a minimum clear opening height and width of 22 inches in either dimension, with a total minimum net clear opening area of 5.0 square feet and shall have a sill height of not more than 48 inches, measured from the finished floor to the bottom of the clear opening.

Any sleeping room is considered to be in the basement when the finished surface of the floor next above is less than 6 feet above the finished grade, measured directly in front of the emergency and rescue opening of such sleeping room.

Exceptions:

1. Properly sized emergency escape and rescue openings with a sill height greater than 48 inches shall be equipped with a ladder permanently affixed to the interior wall directly beneath the opening. Ladders or rungs shall have an inside width of not less than 14 inches, shall project not less than 4 inches from the wall and shall be uniformly spaced between 10 and 14 inches on center vertically for the full height of the interior wall directly under the opening.
2. Same overall dimensional size replacement windows with a minimum clear opening height and width of not less than 22 inches in either dimension, with a total minimum net clear opening of not less than 5 square feet are permitted to be installed. Replacement emergency escape windows installed with a sill height greater than 48 inches shall be equipped with a ladder permanently affixed to the structure. Ladders or rungs shall have an inside width of not less

than 14 inches, shall project not less than 4 inches from the wall and shall be spaced between 10 and 14 inches on center vertically for the full height of the interior wall directly under the opening.

702.4.2 Emergency egress for sleeping rooms more than two stories above grade. Buildings and structures are required to meet the code standards for emergency egress in place at the time of construction. For those existing structures that contain a sleeping room more than two stories above grade, for which no building permit exists, or for which no building permit can be found, the following conditions shall be met:

- a. A safe, continuous, and unobstructed interior path of travel shall be provided from any point in the building or structure to the public way. Means of egress shall comply with the International Fire Code, as adopted by the City.
- b. Either provide a sprinkler system with a dedicated alarm system or provide exterior egress, via ladder or stairs, to the ground level from each sleeping room or sleeping areas located above the second floor through a properly sized window as identified in subsection 3, *infra*.
- c. All sleeping rooms shall have at least one window with a minimum area of 5.0 square feet of net clear opening with a minimum clear opening height and width of 22 inches and a maximum finished sill height of 48 inches above the floor.
- d. Each dwelling unit within the structure shall be equipped with the number of smoke alarms as required in Section 704.2.1.2. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

9-630 **Section 703 of the 2018 International Property Maintenance Code** is hereby deleted in its entirety.

9-631 **Sections [F]704.1, [F]704.1.1, [F]704.1.2, [F]704.1.3, [F]704.2, [F]704.2.1, [F]704.2.2, [F]704.3, [F]704.3.1, [F]704.4, [F]704.4.1, [F]704.4.2, [F]704.4.3, [F]704.5, [F]704.5.1, and [F]704.5.2 of the 2018 International Property Maintenance Code** are hereby deleted in their entirety.

9-632 **Section [F] 704.6.1 of the 2018 International Property Maintenance Code** is hereby amended to read as follows:

[F] 704.6.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

- ~~1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.~~
- ~~2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.~~
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

9-633

Section [F] 704.6.1.3 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

Exception: Where smoke alarms have been installed and maintained at the locations required by Section 704.6.1.2, existing smoke alarms shall not be required to be relocated to comply with the horizontal distance separation requirements of this Section.

9-634

Section [F] 704.6.1.4 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

Exception: Where smoke alarms have been installed and maintained at the locations required by Section 704.6.1.2, existing smoke alarms shall not be required to be relocated to comply with the horizontal distance separation requirements of this Section.

9-635

Section [F] 704.6.2 of the 2018 International Property Maintenance Code is hereby amended to read as follows:

~~[F] 704.6.2 Interconnection.~~ Where ~~more than one~~ there are no smoke alarms ~~is required to be~~ installed within an individual dwelling or sleeping unit, smoke alarms shall be installed as required and shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- ~~1. interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.~~
- ~~2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.~~

9-636 **Section 704.7 of the 2018 International Property Maintenance Code** is hereby amended to read as follows:

[F] 704.7 Single and multiple-station smoke alarms. Single and multiple-stations smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. ~~Smoke alarms installed in one and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.~~

9-637 **Section 705 of the 2018 International Property Maintenance Code** is hereby amended to read as follows:

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings ~~in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.~~ where the following conditions exist:

(a) The dwelling unit contains a fuel-fired appliance; or

(b) The dwelling unit has an attached garage that opens directly into the dwelling unit.

9-638 **The 2018 International Property Maintenance Code is hereby amended by adding Sections 705.1.2 and 705.1.3, which read as follows:**

705.1.2 Location. Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

705.1.3 Combination alarms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. After passage and publication as provided by law, this ordinance shall be in full force and effect commencing January 1, 2019.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2018.

APPROVED:

Stuart Boley
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.