



**** AGENDA ****

City Commission Study Session

Wednesday, September 22, 2021

Municipal Court Room

518 Mechanic Street

10:30 a.m.

- Update on Disc Golf in Emporia.
- Discuss International Property Maintenance Code for Update of Rental Property Code.
- Discuss Update on Lift Station #2.
- Discuss Resolution for the Reappointment of Judge Hollenbeck.
- COVID Discussion ARPA.

Joint Luncheon w/Emporia Mainstreet Board

Tentative Agenda for October 6th Commission Meeting at 1:30 p.m.

- Consent Agenda.
- Public Comment.
- Report from City Manager on City Activities.
- City Commission Reports and Comments.

**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4275 or jlynch@emporia-kansas.gov*

Memo

To: Emporia City Commissioners
From: Kory Krause/Chief Building Inspector/CBO
Date: 9/15/2021
Re: Study Session for International Property Maintenance Code

Commissioners,

Due to the increasing number of tenant complaints that code services are getting each year on the living conditions with rental properties, I would like the commission to take a look at adopting the International Property Maintenance Code (IPMC). This property maintenance code will be a complaint driven ordinance that will help keep safe and sanitary conditions for the tenants of rental property.

The IPMC, if adopted, is not intended to punish or hurt landlords and/or home owners. These minimum housing requirements address life and fire safety issues and also everyday living conditions by maintaining the minimum safety and health standards for all in Emporia. These standards are adopted to protect the inhabitants of a structure and also the general welfare of the public as a whole.

Cities of First Class with populations of 19,000 and greater. Twenty (20) cities total:

- 17 Cities have adopted the IPMC (International Property Maintenance Code).
- 3 Cities have adopted their own property maintenance ordinance. (Emporia included in this category)

CITY	ADOPTED PROPERTY MAINTENANCE ORDINANCE
Dodge City	IPMC
Emporia	Emporia Minimum Housing Code (8 Items) Least effective of all cities.
Garden City	IPMC
Hutchinson	IPMC
Junction City	IMPC
Kansas City	IPMC
Lawrence	IPMC
Leavenworth	IPMC
Leawood	IPMC
Lenexa	IPMC
Liberal	IPMC
Manhattan	IPMC
Olathe	IPMC

Overland Park	IPMC
Pittsburg	IPMC
Prairie Village	IPMC
Salina	Salina Property Maintenance Ordinance (modified IPMC)
Shawnee	IPMC
Topeka	IPMC
Wichita	Neighborhood Nuisance Enforcement Code (modified IPMC)

Of the Kansas State & Municipal Colleges, Emporia is the only city that has not adopted the International Property Maintenance Code, in which would ensure a better quality of life for off campus living and the maintenance of rental property.

- Emporia State University (Only city with a State University that is without a national standard property maintenance code)
- Fort Hays State University
- Kansas State University
- Pittsburg State University
- Kansas University
- Washburn University
- Wichita State University

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 EDITION; ADDING ARTICLE VI, BUILDING AND PROPERTY MAINTENANCE FOR THE ADOPTION OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas;

Section 1. That Section 17-68 of the Code of the City of Emporia, Kansas, 2021, is hereby added as follows:

“Article VI, Section 17-68”. Adoption of the International Property Maintenance Code:

- (a) There is hereby incorporated by reference, for the purpose of establishing technical standards and rules and regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Emporia; a standard ordinance entitled “International Property Maintenance Code”, edition of 2015, as amended by Ordinance 21-__, sponsored and published by the International Code Council, Inc., 4051 West Flossmore Road, Country Club Hills, IL 60478-5795, including Chapter 44 referenced standards, and except such appendices, and articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Not less than one (1) copy of said standard ordinance shall be marked or stamped “Official Copy as incorporated by Section 16-68 of the Code of the City of Emporia, Kansas”, and to which shall be attached a copy of this section and the same shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of such building and construction regulations similarly marked, as may be deemed expedient.

Section 2. ADMENDMENTS

The following sections of the International Property Maintenance Code 2015 edition adopted and incorporated by reference in this article are hereby amended or deleted as follows:

All references pertaining to the International Plumbing Code, International Fuel and Gas Code, and the International Mechanical Code shall be replaced with the current adopted editions of the Uniform Plumbing Code and Uniform Mechanical Code.

[A]Section 101.1 Title of the IPMC shall be amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of City of Emporia, Kansas, hereinafter referred to as “this code.”

[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 Fire Code, Uniform Mechanical Code, International Residential Code, Uniform Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Emporia/Lyon County Zoning Ordinance*.

[A] **103.5 Fees.** Fees, of the International Property Maintenance Code 2015 is hereby amended by deleting the original "Fee Schedule" and substituting the fees shown in Table 4(A) Permit and Inspection Fees of the Emporia Building and Construction Regulations.

[A] **Section 106.4** shall be amended by adding the following language. Persons who shall violate provision of this code, fail to comply with any of the requirements thereof or correct, erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not less than \$250.00 dollars or nor to exceed \$500.00 dollars (\$500.00 – \$1000.00 for a repeat offense) or by imprisonment not to exceed 60 days or both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

[A] **Section 108.4** Placarding, shall have the word "Condemned" replaced with "Substandard Building Do Not Occupy."

[A] **Section 111.1** of the International Property Maintenance Code is hereby changed to read as follows:

[A] **Section 111.1 Application for appeal.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the housing appeals board; provided that such person shall file, with the code official, a written petition requesting such hearing and containing a statement of the grounds therefore not more than twenty (20) days after the notice was served. When such a hearing is requested, a filing fee of one hundred dollars (\$100.00) shall be made to the code official.

[A] **Sections 111.2 thru 111.2.5** are hereby deleted and is hereby replaced by the Community Housing Board/Land Bank Board provisions.

[A] **111.3 Notice of meeting shall be amended as follows:** The board shall meet upon notice from the chairman at next stated meeting.

[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 **Class C misdemeanor, Chapter 1, Article 6 of the Code of the City of Emporia, Kansas.**

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *Uniform Mechanical Code*, *Uniform Plumbing Code*, *International Residential Code*, *Emporia/Lyon County Zoning Ordinance* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

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

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

Section 304.14 Insect Screens. During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch.

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

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

Section 308.3.1 shall be amended as follows: **Section 308.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or approved leak-proof, covered, outside garbage container.

[P] **Section 502.5** shall be amended by deleting International Plumbing Code and replacing with the Uniform Plumbing Code.

[P] **Section 505.1** shall be amended by deleting International Plumbing Code and replacing with the Uniform Plumbing Code.

[P] **Section 507.2** shall be added to read as follows:

[P] **Section 507.2 Sump discharge.** Storm water discharged by a sump shall discharge on flat areas, such as streets or lawns, so long as the storm water shall flow away from the building and shall not discharge on adjoining property, directly or indirectly, and shall not create a nuisance or water accumulation that can harbor insects.

Section 602.2 Residential occupancies shall be amended to read as follows:

Section 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. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: Is deleted in its entirety.

Section 602.3 and 602.4 of the International Property Maintenance Code 2015 Edition shall be amended as follows:

Section 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 October 1st to May 1st to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. Is deleted in its entirety.
2. Is deleted in its entirety.

Section 602.4 Occupiable work spaces, shall be amended as follows: Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to May 1st to maintain a temperature of not less than 68 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 702.4 of the International Property Maintenance Code is hereby changed to read as follows:

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

Exception:

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code as adopted by the City of Emporia.

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

Section 703.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 703.3 Maintenance. The required fire-resistance rating of fire-resistance rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and spray applied fire-resistant materials applied to structural members and joint systems, shall be maintained.

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

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

DRAFT

This would be a partial list of the minimum maintenance codes in which would be the scope of our inspections for this complaint driven ordinance.

Responsibilities:

OWNER: *Shall maintain the structure and the exterior property in accordance with these requirements and do not occupy, or permit others to occupy premises which are not in a sanitary or safe condition which do not comply with Emporia's Property Maintenance Code. The owner shall be responsible for maintaining all common areas for single family dwelling's, up to multi-family rental buildings; the landlord is responsible for property maintenance unless the lease agreement assigns responsibilities to the tenant.*

OCCUPANT: *Shall keep the dwelling unit or premises, in which they occupy and control, in a clean, sanitary and safe condition. In rental buildings with four or less units, or in single family dwellings, the occupant will be responsible for maintaining the property rodent and pest free, if their lease agreement assigns responsibility to the tenant.*

INTERIOR STRUCTURE

- Is the interior of the structure and equipment therein maintained in good repair, structurally sound and in a sanitary condition? **(305.1 – IPMC)**
- Are the structural members sound and capable of supporting the imposed loads? **(305.2 – IPMC)**
- Are interior surfaces maintained in good repair, clean and sanitary with no peeling, flaked, abraded or chipped paint or cracked or loose plaster? **(305.3 – IPMC)**
- Are stairways, ramps, landings, balconies, porches, decks or other walking surfaces maintained in sound condition and in good repair? **(305.4 – IPMC)**
- Are handrails and guards firmly fastened and capable of supporting normally imposed loads and maintained in good condition? **(305.5 – IPMC)**

LIGHT, VENTILATION AND OCCUPANCY

- Are other spaces provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions and safe occupancy of the space, fixtures equipment and appliances? **(402.3 – IPMC)**
- Do bathrooms and toilet rooms have natural ventilation as required above or mechanical ventilation that is exhausted to the outdoors? **(403.2 – IPMC)**
- Are injurious, toxic, irritating or noxious fumes, gases, dusts or mists properly exhausted to the exterior? **(403.4 – IPMC)**
- Are clothes dryer exhaust systems independent of all other systems and exhausted to the exterior? **(403.5 – IPMC)**

PLUMBING

- Do all dwelling units contain a tub or shower, lavatory, water closet and kitchen sink maintained in a sanitary, safe working condition? **(502.1 – IPMC)**
- Do toilet rooms and bathrooms provide privacy and a door and is an interior locking device provided for all common or shared bathrooms and toilet rooms? **(503.1 – IPMC)**
- Are plumbing fixtures properly installed and maintained in a safe and sanitary working order and kept free from obstructions, leaks and defects? **(504.1 – IPMC)**
- Do plumbing fixtures have proper clearances for usage and cleaning? **(504.2 – IPMC)**
- Are plumbing fixtures free from hazardous conditions? **(504.3 – IPMC)**
- Is every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture properly connected to an approved water system and supplied with hot or temperate and cold running water as designed? **(505.1 – IPMC)**

- Is the hot water provided at a minimum temperature of 120 degrees Fahrenheit to every sink, lavatory, tub, shower and laundry?
- Are all gas-burning water heaters located outside the bathrooms? **(505.4 – IPMC)**
- Are an approved temperature and pressure-relief valve and a properly terminated relief valve discharge pipe installed and maintained on all water heaters? **(505.4 – IPMC)**
- Are plumbing fixtures properly connected to an approved waste water system? **(506.1 – IPMC)**
- Is every plumbing stack, drain, waste and vent properly connected and maintained to perform its intended function? **(506.2 – IPMC)**

MECHANICAL

- Are all mechanical appliances, fireplaces, solid-fuel burning appliances, cooking appliances and water heaters properly installed and maintained in a safe working condition and capable of performing their intended function? **(603.1 – IPMC)**
- Are duct systems maintained free of obstructions and capable of performing their required function? **(607.1 – IPMC)**
- Is all fuel burning equipment and appliances connected to an approved chimney or vent? **(603.2 – IPMC)**
- Are all required clearances to combustible materials maintained? **(603.3 – IPMC)**
- Are all safety controls for fuel-burning equipment maintained for effective operation? **(603.4 – IPMC)**

ELECTRICAL

- Are all occupied buildings provided with an electrical system that is properly installed and maintained? **(605.1 – IPMC)**
- Is all equipment, wiring and appliances properly installed and maintained in a safe and approved manner? **(605.1 – IPMC)**
- Do all habitable rooms in a dwelling unit contain at least two separate and remote receptacle outlets? **(605.2 – IPMC)**
- Does every bathroom contain at least one receptacle outlet? **(605.2 – IPMC)**
- Are no extension cords used for permanent wiring? **(605.5 – Uniform Fire Code)**

FIRE SAFETY

- Are all egress doors readily operable from the inside without the use of keys, special knowledge or effort? **(702.3 – IPMC)**
- Are emergency escapes and rescue openings operational from the inside without the use of keys or tools? **(702.4 – IPMC)**
- Are bars, grills, grates or similar devices releasable or removable from inside without the use of a key, tool or force greater than that required for normal operation of the escape and rescue opening? **(702.4– IPMC)**
- Is the required fire resistance rating of walls, fire stops, shaft enclosures, partitions and floors properly maintained? **(703.1– IPMC)**
- Are single station smoke detectors provided in all residential occupancies? **(704.2– IPMC)**
- Is the location of new required smoke detectors in accordance with the international residential building code? **(704.2 – IPMC)**
- Are smoke detectors equipped with working batteries or properly wired and maintained in an operable condition? **(704.3 – IPMC)**

Memo

TO: City Commission

FROM: Dean Grant, Director of Public Works

CC: Department Heads

DATE: September 17, 2021

SUBJECT: Lift Station #2 Update

Lift Station #2 is one of the City's two largest lift stations. The City has contracted BG Consultants to do the design work to rehabilitate this aging piece of infrastructure. This will include new pumps, upgrading electrical components, the addition of an automated screen (with a screenings washer and compactor), the addition of a portable generator, rehab and lining of the wetwell, and the installation of a SCADA system.

On August 13, 2021, project documents were submitted to KDHE for review, and BG Consultants received comments back from the state on September 3rd. Final project documents will be submitted to KDHE by September 30th, and we expect authorization to bid by no later than October 13th.

On October 6th, we will request that the commission set the bid date and time for November 18th. This will allow staff to present the bids and an award recommendation at the December 1st commission meeting. This project is being funded by an State Revolving Fund loan and a CDBG grant.

memo

TO: City Commission
FROM: Christina Montgomery, City Attorney
DATE: September 22, 2021
SUBJECT: Municipal Court Judge

Municipal Court Judge Ted Hollembeak's 4-year term expires on November 18, 2021. He is requesting consideration for reappointment. Under Charter Ordinance 32, a municipal court judge may seek to be reappointed prior to the expiration of that term, and if so appointed, may serve as municipal court judge for another 4-year term. A vote to reappoint an incumbent judge should be held within 60 days of the end of the term.

Ted Hollembeak was appointed to succeed Kristin Hutchinson as municipal court judge on November 18, 2005. He was re-appointed as municipal court judge in 2009, 2013, and 2017. Prior to serving as municipal court judge, Mr. Hollembeak was the municipal court prosecutor.

Judge Hollembeak will be available to brief the City Commission on Court operations and judicial philosophy, and to answer any questions that the Commission may have.

Memo

TO: City Commission

FROM: Mark McAnamey, City Manager

CC: Department Heads

DATE: September 17, 2021

SUBJECT: COVID Update

The City Manager will provide the City Commission with an update on all things COVID related at the September 22nd Study Session.