ORDINANCE NO. 170

AN ORDINANCE ENACTING MINIMUM HOUSING STANDARDS FOR THE CITY; REMEDIES; RECOVERY OF COSTS, AND REPEALING EXISTING AND CONFLICTING SECTIONS.

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

SECTION 1. Minimum Standards for Housing. This ordinance shall be known as the Minimum Standard for Housing and Premises Code. This general code applies to all forms of permanent housing.

SECTION 2. Declaration of Policy. The right to own residential real estate does not convey to owners to require tenants or others to live in squalor or in residences without basic habitation requirements. The purpose of this ordinance is to establish general and basic habitation requirements, and is a minimum form of protection the governing body can provide its citizens. Improper housing, especially in rental housing, creates unsanitary health issues. To protect the public, to investigate and control communicable diseases, and to regulate privately and publicly-owned structures or dwellings, the following ordinance establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from smoke and fire, for the use and location and amount of space for human occupancy, and for safe and sanitary maintenance.

SECTION 3. DEFINITIONS. The following definitions shall apply to the enforcement of this ordinance:
(a) Dwelling shall mean any facility intended for use as a single or multi-family living unit, which is wholly or partly used or intended to be used for living, cooking, eating, or for sleeping by human occupants: the term does include mobile homes.

(b) Habitable Dwelling shall mean any structure or part thereof that shall be used as a home or place of abode by one or more persons. A Multiple Dwelling contains more than two dwelling units.

(c) Habitable Room shall mean a room designed to be used for living, sleeping, eating or cooking purposes, excluding bathrooms, toilet rooms, closets, halls and storage places, or other similar places, not used by persons for extended periods.

(d) Public officer is the City Clerk or his or her designee.

SECTION 4. MAINTENANCE AND REPAIR; DWELLINGS. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent thereof in order that it be and remain fit for human habitation. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition. The minimum maintenance and repair for such buildings and dwellings shall include the following:

a. Hot and cold running water in the kitchen and bath;

b. Kitchens shall have a sink and connections for a stove and refrigerator;

c. For heating sources, there should be a permanent furnace or wall units

d. Windows are glass, and broken windows are not boarded over;

e. Bath/sanitary facilities to include tub and/or shower, toilet, and sink in working order;

f. Proper lighting and electrical outlets in all rooms
g. Working smoke detectors in at least three strategic portions of the structure; the kitchen, the primary area near the furnace or heating units; and the near the primary bedroom.

h. Proper sound floors and wallboard/panelling

i. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings.

j. All exterior repairs made with proper building materials

SECTION 5. **Inspection Of Buildings And Structures, And Premises.**

(a) For the Purpose of Determining Compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. Such inspection is mandatory before city services will be supplied to newly rented apartments, houses, or structures, or rehabilitated and remodeled houses or structures. This requirement is applicable to existing dwellings or buildings.

(b) If corrections are deemed necessary by the public officer, he or she shall placard the dwelling unit and notify the owners, agents, lien holders and occupants.

(c) The owners, agents, lien holders and occupants of every dwelling shall give the public officer or the city superintendent, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of inspection, examination and survey after identification by proper credentials.

(d) The failure of the owners, agents, lien holders and occupants to allow access to a dwelling in order to determine its habitability before selling or renting such property to third persons and the need, if any, for rehabilitation of the structure, shall
result in a warning that such failure to allow access could lead to a shutoff in city services to that dwelling.

(e) If the city superintendent is allowed to inspect the dwelling for habitability and determines that such rehabilitation efforts by the Owner, Operator or Occupant are insufficient, city services shall not be turned on until the rehabilitation efforts are completed to the satisfaction of the Public Officer.

SECTION 6. Appeals from Order. Any person adversely affected by an order issued by the governing body under this ordinance may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. A person adversely affected, for purposes of this Ordinance, means owners, agents, lien holders and occupants of the dwelling or structure.

SECTION 7. Scope of Ordinance. Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions or its ordinances or regulation, nor to prevent or punish violations thereof; and the powers conferred by this ordinance of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750, et. seq.

SECTION 8. Penalties. The failure of owners to fix or repair their dwellings and structures to minimum housing standards, per the written orders of the Public Officer, which order shall also specify a time frame for compliance, shall result in a notice being given by the public officer to the Owner that as of 45 days from the issuance of the Order city services to the dwelling will cease and not resume until the
Order is complied with. The ultimate sanction by the Public Officer is to seek to declare
the property to be blighted under Ordinance 171 and demolished. Owners may
seek review of the Public Officer’s orders and timetables for action at a regularly called
city council meeting.

SECTION 9. Statutory Authority. This ordinance is enacted by authority
and under the provisions of KSA Supp. 17-4759 et seq.

SECTION 10. Repealer. Ordinance 155 or any such other ordinances or
portions of ordinances of the City of Hanston, Kansas, that are wholly or partially in
conflict with this Ordinance, are hereby repealed.

SECTION 11. Effective Date. This Ordinance shall take effect and be in
force from and after its publication in the official city newspaper of the City of Hanston,
Kansas or after compliance with K.S.A. 2012 Supp. 12-3007(b).

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 4th
day of August, 2014.

Gary Seiler, MAYOR

ATTEST:

Michelle Walters, CITY CLERK