

(Ordinance published at [www.andoverks.gov](http://www.andoverks.gov) on May 17, 2025)

ORDINANCE NO. 1956

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS AMENDING CHAPTER IV, ARTICLE 5 OF THE CODE OF THE CITY OF ANDOVER, KANSAS AND ADOPTING AND INCORPORATING BY REFERENCE THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 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 AND FIT FOR HUMAN OCCUPATION AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF ANDOVER, KANSAS.

WHEREAS, the City of Andover, Kansas (the “City”) has previously adopted Chapter IV, Article 5 of the Code of the City (the “Code”), 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 condition essential to ensure that structures are safe and fit for human occupation and use; and

WHEREAS, the governing body of the City desires, and finds it necessary and advisable, to amend Chapter IV, Article 5 of the Code and adopt the 2024 Edition of the International Property Maintenance Code (the “Property Maintenance Code”).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AS FOLLOWS:

**SECTION 1.** Chapter IV, Article 5 of the Code of the City is deleted in its entirety and replaced with the following:

**4-501. Incorporation of Maintenance Code.**

Pursuant to the provisions of K.S.A. 12-3009 *et seq.*, and K.S.A. 12-3301 *et seq.*, the 2024 Edition of the International Property Maintenance Code (hereinafter referred to as the “Property Maintenance Code”) is hereby adopted by reference, as if said model or standard code were set out in full herein, save and except such sections, parts, or portions as may be omitted or deleted, modified, or changed elsewhere within the Code of the City of Andover, Kansas, including but not limited to Section 4-503 hereof.

**4-501.2. Deletions.**

The following Sections of the Property Maintenance Code, incorporated by reference in Section 4-501 herein, are repealed and deleted:

- (a) Section 107-VIOLATIONS of the Property Maintenance Code is hereby repealed.
- (b) Section 111-DEMOLITION of the Property Maintenance Code is hereby repealed.

**4-501.3. Amendments.**

The Property Maintenance Code, incorporated by reference in Section 4-501 herein, shall be amended as follows:

- (a) "Section 102.3 Application of other codes." shall be amended to read as follows:

Section 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 Wichita/Sedgwick County Unified Building and Trade Code as adopted in Ordinance 1956 by reference.

**4-502. Violations.**

**4-502.1. Unlawful acts.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**4-502.2. Order of violation.**

(a) The governing body or its designee, as hereinafter named, shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the Building Official to be in violation of this article an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail. The order shall state:

- (1) The condition which has caused the violation of the ordinance; and
- (2) That the person in violation shall have:

(A) 10 days from the date of the mailing of the order to abate the exterior conditions (yard) violation; and/or

(B) 30 days from the date of the mailing of the order to abate the exterior conditions (structure) violation; or in the alternative to subsections (2)(A) and (2)(B) of this section;

(C) 10 days from the date of the mailing of the order, plus any additional time granted under subsection (3), to request, as provided in section 4-502.5, a hearing before the governing body on the matter.

(3) Provided, however, that the governing body or its designee named herein shall grant one or more extensions to the time periods stated in subsections (2)(A), (2)(B) and (2)(C), above, if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions which have caused the violation; and

(4) That failure to abate the condition or to request a hearing may result in prosecution under section 4-502.3 and/or abatement of the condition by the city according to section 4-502.4, with the costs assessed against the property under section 4-502.7.

(c) The Building Official is hereby designated by the governing body for the purposes of issuing the order required herein. Such order shall be issued by the Building Official upon the filing of a written statement of a violation of this article. The order shall be issued in the name of the governing body; shall be served as required in this article: and, shall contain all notices and other information as required by this article and K.S.A. 12-1617e and amendments thereto.

#### **4-502.3. Violation penalties.**

The Building Official may file a complaint in the municipal court against any person found to be in violation of this article, provided however, that such person shall first have been sent a notice as provided in 4-502.2 and that the person has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in 4-502.2. Upon such complaint in the municipal court, any person found to be in violation of this article shall upon conviction be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this ordinance, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

#### **4-502.4. Abatement.**

In addition to, or as an alternative to prosecution as provided in 4-502.3, the Building Official may seek to remedy violations of this ordinance in the following manner. If a person to whom an

order has been served pursuant to 4-502.2 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in 4-502.2, the Building Official may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided 4-502.7

A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Certified mail, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- (d) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

#### **4-502.5. Hearing.**

If a hearing is requested within the 10-day period as provided in 4-502.2 such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the Building Official. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in 4-502.4.

#### **4-502.6. Appeals.**

Any person affected by any determination of the governing body under 4-502.4 or 4-502.5 may appeal such determination in the manner provided by K.S.A. 60-2101.

#### **4-502.7. Cost assessed.**

If the city abates or removes the nuisance pursuant to section 11, the city shall give notice to the owner of his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30 day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the cost and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

#### **4-502.8. Penalties.**

Penalties for noncompliance with orders and notices shall be as set forth in Section 4-502.3.

#### **4-502.9. Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Official and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### **4-502.10. Construction.**

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 of its laws nor to prevent or punish violation thereof. The powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the Kansas Constitution, by any other law or by ordinance.

**4-503. Official copies.**

Not less than one (1) copy of the 2024 Edition of the International Property Maintenance Code by reference in Section 4-501 shall be filed with the City Clerk. Such copy(ies) shall be marked or stamped, "Official Copy as incorporated by Ordinance No. 1956" with all section or portions thereof intended to be omitted clearly marked to show any such omissions and all provisions changing or adding to the incorporated provisions shall be clearly marked or inserted. Such copy(ies) shall have attached a copy of this article and shall be open to inspection and available to the public during all reasonable business hours.

**SECTION 2.** This Ordinance incorporating the Property Maintenance Code supersedes and repeals Ordinance No. 1400, and any and all previous ordinances similar thereto. Any remaining provisions of Ordinance No. 1400, not in conflict with the foregoing, shall remain in full force and effect.

**SECTION 3.** This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and publication once in the official newspaper of the City.

*[Remainder of this Page Left Blank Intentionally]*

PASSED, APPROVED AND ADOPTED by the governing body of the City of Andover, Kansas, this 13th day of May, 2025.

CITY OF ANDOVER, KANSAS

[seal]



By   
Ronnie Price, Mayor

ATTEST:

By   
Dana Engstrom, City Clerk