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ORDINANCE NO. 0-12-17

**AN ORDINANCE** relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-470, 8-471, 8-472, 8-473, 8-479, and 8-481 of the Unified Government Code, and adding original Section 8-483.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 8 Buildings and Building Regulations, Section 8-470, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-470. - Violations and penalties; assessment of additional costs.

Any person who fails to file a registration statement, amendment or other statement required by this division or violates the provisions of sections 8-475, 8-476, 8-480 or 8-483 shall be issued an administrative citation and be required to pay a civil penalty in accordance with Chapter 2, Article IX of this Code. Instead of the penalties assessed under section 2-652 of this Code, the following penalties shall be imposed: \$250.00 for a first violation, increasing in increments of \$250.00 for each successive violation, up to a maximum penalty of \$5,000.00. No portion of the minimum fine shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense. A citation may be issued under this section every thirty (30) days by any enforcement officer until such registration statement, amendment or other statement required by this division is filed.

(Code 1988, § 8-376; Ord. No. 65152, § 1(21-63), 5-28-1987; Ord. No. 65408, § 1, 3-23-1989; Ord. No. 66075, § 3, 1-4-1996)

**Section 2.** That Chapter 8 Buildings and Building Regulations, Section 8-471, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-471. - Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels, who do not reside in or occupy such buildings or structures, located within the corporate limits of the city shall file a registration statement with the codes administrator in accordance with the provisions of this code. This registration requirement shall not apply to:

- (1) Any governmental entity, any public authority or any quasipublic, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
- (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989)

**Section 3.** That Chapter 8 Buildings and Building Regulations, Section 8-472, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-472. - Appointment of agent.

Each owner required by this division to file a registration statement shall also appoint and register an agent who will be authorized to receive, on behalf of the owner, service of any notice, order or summons issued because of a violation of this chapter or chapter 17, 27 or 31 of this Code or any ordinance concerning the condition of the property that is the subject of the registration statement. Such agent must be an individual over the age of 18 years and must reside within the city. A partner, associate or corporate principal who meets these qualifications may be designated and registered as the agent. An owner who resides within the city's corporate limits may serve as his/her/its own agent.

(Code 1988, § 8-378; Ord. No. 65152, § 1(21-52), 5-28-1987)

**Section 4.** That Chapter 8 Buildings and Building Regulations, Section 8-473, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-473. - Time to file registration statement.

The registration statement required by this division shall be filed by each owner:

- (1) By December 1, 2017, for any building, structure or parcel owned as of such date.
- (2) Prior to the issuance of a certificate of occupancy required by the International Building Code, as adopted and amended by the unified government.
- (3) Within such time as provided in section 8-475 in the case of a change of ownership.

(Code 1988, § 8-379; Ord. No. 65152, § 1(21-53), 5-28-1987)

**Section 5.** That Chapter 8 Buildings and Building Regulations, Section 8-481, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-481. - Registration of mortgagees and lienors.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant. Within 10 days of an inspection, the mortgagee or lienor shall register the property in the manner required by section 8-474. If the property is vacant, registration shall also contain the name and telephone number, facsimile number and email address for a direct contact with the mortgagee or lienor and the name and twenty-four (24) hour contact number for the property management company that will be responsible for the security and maintenance of the property, if different from the mortgagee or lienor.

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987)

**Section 6.** That Chapter 8 Buildings and Building Regulations, Section 8-483, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be added to read as follows:

Sec. 8-483. – Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have thirty (30) days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-471 and 8-474 and said statement must include an agent designation as provided in section 8-472 as well as a written comprehensive plan of action detailing a timeline for correcting any code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of five hundred dollars (\$500.00) every six (6) months the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within thirty (30) days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have thirty (30) days from the date the written notice is issued in which to register.

**Section 7.** That Chapter 8 Buildings and Building Regulations, Section 8-484, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be added to read as follows:

Sec. 8-484. – Definitions.

For purposes of this division, certain phrases and words are defined below. Words or phrases not defined in this division but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Enforcement officer* means any law enforcement officer, building official, fire inspector or code enforcement officer employed by or working on behalf of the Unified Government, or their designees.
- (2) *Occupy* means to conduct a lawful business or reside in all or any part of the building or structure as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a person occupies a building or structure may include, but shall not be limited to, the regular receipt of deliver of regular mail through the U.S. Postal Service; proof of continual electric, gas, heating, water and sewer services; a valid business license; or the most recent federal or state income tax statements indicating that the subject property is the official business or residence address of the person(s) or business(es) claiming occupancy.
- (3) *Vacant* means any premises intended for residential or commercial use which is not currently occupied or in use wherein no person or persons actually, currently conduct a lawfully licensed business or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or tenant(s) on a permanent, non-transient basis or that is unoccupied.

**Section 8.** This ordinance and resolution shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS 29 DAY OF June 2017



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Mark Holland, Mayor/CEO

Attest:



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Unified Government Clerk

Approved as to Form:

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Wendy M. Green, Assistant Counsel