ORDINANCE NO. 19-XX

AN ORDINANCE PERTAINING TO THE OLATHE PROPERTY MAINTENANCE CODE; ADDING SECTIONS 15.22.031, 15.22.035, 15.22.043, 15.22.047, 15.22.063, 15.22.072, 15.22.073, 15.22.075, 15.22.076, 15.22.078, 15.22.083, 15.22.085, 15.22.086, 15.22.105, 15.22.123, AND 15.22.124; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.22.010, 15.22.020, 15.22.040, 15.22.050, 15.22.060, 15.22.070, 15.22.080, 15.22.090, AND 15.22.100 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.22.110 AND 15.22.125 AND CHAPTER 15.38, SECTIONS 15.38.010 THROUGH 15.38.270, INCLUSIVE.

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

SECTION ONE: Section 15.22.010 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.010 Code Adopted.**

The ~~2012~~ 2018 International Property Maintenance Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478~~-5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.22.030 through and including 15.22.140."

SECTION TWO: Section 15.22.020 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.020 Marked Copies of Code on File.**

There shall be not less than one (1) copy of the code adopted by reference in Section 15.22.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, "Official Copy as Incorporated by Ordinance No. ~~12-50~~ 19-XX with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official~~

~~copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~"

SECTION THREE: Section 15.22.031 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.031 Section 101.1 Amended – Title.**

Section 101.1 of the International Property Maintenance code is hereby amended to read as follows.

[A] 101.1 Title. The 2018 International Property Maintenance Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.22 shall be known as the Property Maintenance Code of the City of Olathe, Kansas, hereinafter referred to as "this code" or "the Property Maintenance Code.""

SECTION THREE: Section 15.22.035 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.035 Section 101.2 Amended – Scope.**

Section 101.2 of the International Property Maintenance Code is hereby amended to read as follows.

101.2 Scope. The Governing Body finds that there exists structures and lands within the City which have a blighting influence on surrounding properties and neighborhoods. These structures and lands cause blight because walls, sidings or exteriors are not panted or properly maintained; there is inadequate maintenance of building trim, windows, doors roofing, guttering foundations and detached structures; and there exists unsightly stored or parked material, equipment, supplies, machinery, inoperable trucks or automobiles, or parts thereof, upon the property. The Governing Body further deems it necessary to require or cause such structures and lands to be adequately maintained. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises. It constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties."

SECTION FOUR: Section 15.22.040 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.040 Section 103.1 Amended ~~Deleted – Department of Property Maintenance Inspection.~~ General.**

Section 103.1 of the International Property Maintenance Code is hereby ~~deleted~~ amended and shall read as follows.

[A] 103.1 Creation of enforcement agency. The department of property maintenance is hereby created within the jurisdiction under the direction of the Chief Building Official. The Community Risk Reduction Section – Community Enhancement Division within the Olathe Fire Department shall be established as the department of property maintenance where referenced by this Code."

SECTION FIVE: Section 15.22.043 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.043 Section 103.2 Deleted – Appointment.**

Section [A] 103.2 of the International Property Maintenance Code is hereby deleted."

SECTION SIX: Section 15.22.047 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.047 Section 103.5 Deleted – Fees.**

Section [A] 103.5 of the International Building Code is hereby deleted."

SECTION SEVEN: Section 15.22.050 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.050 Section 106.1 Amended – ~~Violations~~ Unlawful Acts.**

Section 106.1 of the International Property Maintenance Code is hereby amended to read as follows:

~~SECTION 106~~

~~VIOLATIONS~~

106.1 Unlawful acts. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the Building Official hereunder. ~~Any person violating the provisions of this section shall be guilty of a misdemeanor for each day such violation continues and shall be punished as provided in Section 1.16.010 of the Olathe Municipal Code.~~"

SECTION EIGHT: Section 15.22.060 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.060 Section ~~107.5~~106.4 Amended – Penalties.**

Section ~~107.5~~106.4 of the International Property Maintenance Code is hereby amended to read as follows:

~~107.5~~**106.4 Violation** Penalties. Any person, firm or corporation violating the provisions of this code, or fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor and subject to penalties for the first conviction by a fine of not more than Two Hundred Fifty Dollars ($250.00); for a second conviction within two (2) years thereafter such person shall be punished by a fine of not more than Five Hundred Dollars ($500.00); and upon a third or subsequent conviction within two (2) years after the first conviction such person shall be punished by a fine of not more than One Thousand Dollars ($1000.00). ~~Any person who violates the provisions of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor for each day such violation continues. Penalties for noncompliance with orders and notices shall be as set forth in Section 1.16.010 of the Olathe Municipal Code.~~"

SECTION NINE: Section 15.22.063 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.063 Section 107.2 Amended – Form.**

Section 107.2 of the International Property Maintenance Code is hereby amended to read as follows.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following.

1. Be in writing

2. Include a description of the property sufficient for identification of the owner's property.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premise into compliance with the provisions of this code.

(a). Unless specified otherwise in 107.2.4(b) or 301.4, the order shall stipulate that all required permits be secured therefore, and the work physically commenced within sixty (60) days, weather permitting, from the date of the notice and order and completed within such time as the code official shall determine is reasonable under all the circumstances.

(b). For nuisance, sanitation, health and safety violations including, but not limited to provisions in 302.1, 302.2, 302.4, 302.5, 302.8, 302.9 and Chapters 4, 5, 6, and 7; the order shall stipulate the violation must be corrected within (10) days from the date of the notice and order.

5. Inform the property owner or owner's authorized agent of the right to appeal.

6. Provide the owner or authorized agent with an information sheet listing the programs available to the public to help defray the costs of remedying a violation.

7. Include a statement of the right to file a lien in accordance with Section 106.3."

SECTION TEN: Section 15.22.070 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.070 Section 111 Amended – Means of Appeal.**

Section 111 of the International Property Maintenance Code is hereby repealed and replaced with a new Section 111 ~~amended~~ to read as follows:

SECTION 111

~~MEANS OF APPEAL~~

BOARD OF APPEALS

[A] 111.1 Applications for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Board of Appeals established. An application for appeals of orders, decisions or determinations made by the code official shall be made to the Board of Code Review as established and described in Olathe Municipal Code Section 15.02.210.

~~111.1 Board of Code Review. A Board of Code Review shall be created and empowered to act as an appeals board in order to provide reasonable interpretation of the provisions of this code, to mitigate specific provisions of this code which creates practical difficulties in their enforcement, and to hear appeals provided for hereunder. Copies of all rules of procedures adopted by the board shall be delivered to the Chief Building Official, who shall make them accessible to the public.~~

~~111.2 Procedures for Conduct of Hearing Appeals.~~

~~A. Hearing. The board shall conduct all hearings.~~

~~B. Record. A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the board.~~

~~C. Continuances. The board may grant continuances for good cause shown.~~

~~D. Oaths. In any proceedings under this chapter, the board, or any board member, has the power to administer oaths and affirmations to certify to official acts.~~

~~E. Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.~~

~~111.3 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:~~

~~You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20___, at the hour of~~

_____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

111.4 Conduct of Hearing.

A. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

B. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

C. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

D. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

E. Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him/her to testify;

5. To rebut the evidence against him/her;

6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.

F. Official Notice.

1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by

~~the courts of this state or of official records of the board or departments and ordinances of the City or rules and regulations of the board.~~

~~2. Parties to be notified. Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.~~

~~3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board.~~

~~4. Inspection of the premises. The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that~~

~~a. notice of inspection shall be given to the parties before the inspection is made,~~

~~b. the parties are given an opportunity to be present during the inspection, and~~

~~c. the board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.~~

~~111.5 Method and Form of Decision.~~

~~A. Hearing Before the Board. When a contested case is heard before the board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.~~

~~B. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.~~

~~C. Effective Date of Decision. The effective date of the decision shall be as stated therein.~~"

SECTION ELEVEN: Section 15.22.072 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.072 Section 301.4 Added – Repairs after casualty damage.**

Section 301.4 is hereby added to the International Property Maintenance Code and shall read as follows.

301.4 Repairs after casualty damage. Within a period of ninety (90) days after casualty damage to any premises, the owner and operator shall take the following steps.

(A) Contract for the repair and restoration of damage areas and removal of debris.

(B) Contract for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith.

Should an adjustment of insurance claims take longer than ninety (90) days, the Building Official or their designee may grant an extension in the period of time needed to comply with this section.

SECTION TWELVE: Section 15.22.073 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.073 Section 301.5 Added – Repairs.**

Section 301.5 is hereby added to the International Property Maintenance Code and shall read as follows.

301.5 Repairs. - All repairs shall utilize materials compatible with the remaining undamaged surfaces and recognized as acceptable materials pursuant to the Building Code or Unified Development Ordinance."

SECTION THIRTEEN: Section 15.22.075 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.075 Section 302.1.1 Added – Animal sanitation.**

Section 302.1.1 is hereby added to the International Property Maintenance Code and shall read as follows.

302.1.1 Animal Sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal wastes shall not be disposed of in an open ditch or storm drain. Property owners or occupants of land shall be responsible for the proper burial or disposal of dead animals."

SECTION FOURTEEN: Section 15.22.076 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.076 Section 302.1.2 Added – Unsanitary premises.**

Section 302.1.2 is hereby added to the International Property Maintenance Code and shall read as follows.

302.1.2 Unsanitary premises. No owner, occupant or other person shall allow the accumulation of garbage or refuse on any land which causes or creates a foul, unhealthy or offensive smell, or in which disease-carrying insects, rodents or other vermin may breed, or may reasonably be expected to breed. For the purposes of this section the word "garbage" shall mean animal and vegetable waste resulting from the handling, preparation, cooking, storage, or consumption of food. The word "refuse" shall mean all putrescible and non-putrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, movable furniture not designed for or modified to withstand the elements and outdoor use, and industrial wastes."

SECTION FIFTEEN: Section 15.22.078 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.078 Section 302.3 Amended – Hard surfaces, walkways and driveways.**

Section 302.3 of the International Property Maintenance Code is hereby amended and shall read as follows.

302.3 Hard surfaces, sidewalks and driveways. Hard surfaces, sidewalks, walkways, stairs, driveways, parking lots and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. For the purposes of this section, the term "safety hazard" shall include but not be limited to a paved surface which is broken, buckled, heaved, collapsed or missing to the degree that vehicles using the surface are at risk of being damaged or pedestrians walking on the surface are at risk of falling or tripping."

SECTION SIXTEEN: Section 15.22.080 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.080 Section 302.4 Amended ~~Deleted–ExteriorPropertyAreas~~ Land Maintenance.**

Section 302.4 of the International Property Maintenance Code is hereby ~~deleted~~ repealed and replaced with a new Section 302.4 to read as follows:

302.4 Land Maintenance. Land, whether vacant or occupied by structures, shall be maintained in such manner to be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others, create a blighting effect in the neighborhood or otherwise adversely affect adjacent properties."

SECTION SEVENTEEN: Section 15.22.083 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.083 Section 302.7 Amended – Accessory Structures.**

Section 302.7 of the International Property Maintenance Code is hereby amended to read as follows.

302.7 Accessory structures. Accessory structures, including detached garages, outbuildings, sheds, fences, and walls, shall be maintained structurally sound and in good repair. Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with materials compatible with the undamaged portions of the fence or removed.

Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above."

SECTION EIGHTEEN: Section 15.22.085 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.085 Section 302.8 Amended – Outdoor storage – one- and two-family dwellings.**

Section 302.8 of the International Property Maintenance Code is hereby repealed, and a new Section 302.8 is added and shall read as follows.

"302.8 Outdoor Storage - One and Two-Family Dwellings. No property owner or resident shall allow the placement, storage, installation or construction of any item, object or structure on any property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(A) Any item, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(B) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code.

(C) Firewood, neatly stacked, provided that such storage shall not occur at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this section, "primary wall surface" shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.

All other items. Any item, object or structure not specifically authorized in subsections (a), (b) or (c) must be located within a fully enclosed structure, or within the back yard and substantially screened from view from any adjacent property.

The Chief Planning Official may approve mature landscape materials as an acceptable screen if they determine that it provides the substantial equivalent of approved fence or wall materials. Materials for a fence or wall shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Chief Planning Official. Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed

objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above."

SECTION NINETEEN: Section 15.22.086 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.086 Section 302.9 Amended – Outdoor storage – other property.**

Section 302.9 of the International Property Maintenance Code is hereby repealed, and a new Section 302.9 is added and shall read as follows.

302.9 Outdoor storage – other property. No property owner or occupant shall allow the placement, storage, installation or construction of any item, sales inventory, object or structure on any property other than that property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(A) Any item, sales inventory, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(B) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code."

SECTION TWENTY: Section 15.22.090 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.090 Section 303 ~~Deleted~~Amended – Swimming Pools, Spas and Hot Tubs.**

Section 303 of the International Property Maintenance Code is hereby ~~deleted~~ amended and shall read as follows:

SECTION 303

SWIMMING POOLS, SPAS, HOT TUBS, PONDS AND RESERVOIRS

303.1. Pools of water. Ponds, reservoirs, swimming pools, hot tubs or other receptacles of water shall be maintained in a clean and sanitary conditions and in good repair. They shall be maintained free of trash, debris, garbage or other effluvia, and shall not serve as breeding ground for insects or other vectors.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier. Barrier height shall meet the requirements of the Swimming Pool and Spa Code. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches 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 an open position of 6 inches 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 com-plies with ASTM F1346 shall be exempt from the provisions of this section."

SECTION TWENTY-ONE: Section 15.22.100 of the Olathe Municipal Code is hereby amended to read as follows:

"**15.22.100 Section 304.5 ~~Deleted~~ Amended ~~Exterior Structure~~ Foundation.**

Section 304.5 of the International Property Maintenance Code is hereby ~~deleted~~ amended and shall read as follows.. (Ord. 12-50 § 2, 2012.)

304.5 Foundation walls. Foundation walls shall be maintained plumb and higher than the adjacent ground level. They shall be free from open cracks, breaks and holes except for necessary ventilation holes. If ventilation holes are needed, the holes shall be adequately screened to prevent entry by rodents and other pests. The foundation elements shall fully support the structure as intended. Any repair or replacement necessitated by this section shall be accomplished with materials that are compatible with the remaining foundation."

SECTION TWENTY-TWO: Section 15.22.105 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.105 Section 304.14 Amended – Insect Screens**.

Section 304.14 of the International Property Maintenance Code is hereby amended and shall read as follows.

304.14 Insect screens. During the period from May 1 to September 30, 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 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

SECTION TWENTY-THREE: Section 15.22.123 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.123 Section 602.3 Amended – Heat Supply.**

Section 602.3 of the International Property Maintenance Code is hereby amended and shall read as follows.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom during the period from October 1 to April 30, shall provide facilities capable of maintaining a temperature of not less than 68ºF (20ºC) in all habitable rooms, bathrooms, and toilet rooms.

Exception: 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 design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

SECTION TWENTY-FOUR: Section 15.22.124 is hereby added to the Olathe Municipal Code and shall read as follows:

"**15.22.124 Section 602.4 Amended – Occupiable Work Spaces**.

Section 602.4 of the International Property Maintenance Code is hereby amended and shall read as follows.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be provided with active or passive space heating systems capable of maintaining an indoor temperature of not less than 68ºF at a point three (3) feet above the floor on the design heating day.

Exceptions: Space heating systems are not required for:

1. Interior spaces where the primary purpose of the space is not associated with human comfort.

2. Group F, H, S or U occupancies.

3. Areas in which persons are primarily engaged in vigorous activities."

SECTION TWENTY-FIVE: Existing sections 15.22.010, 15.22.020, 15.22.040, 15.22.050, 15.22.060, 15.22.070, 15.22.080, 15.22.090, 15.22.100 15.22.110, 15.22.125, and Chapter 15.38, Sections 15.38.010 through 15.38.270, inclusive are hereby repealed.

SECTION TWENTY-FIVE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

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