



City Council Committee Meeting Notice

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: (785) 368-3710
www.topeka.org

Committee: Public Health & Safety
Meeting Date: January 3, 2024
Time: 1:00pm
Location: City Hall 1st Floor Conference Room; 215 SE 7th Street *(Due to ongoing construction in the building, the meeting will not be livestreamed, and there will not be a virtual attendance option offered. Per Governing Body Rule 8.13)*

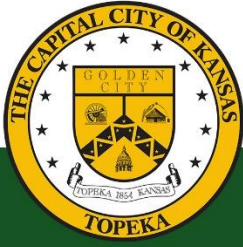
Agenda:

1. Call to Order
2. Approve November 15, 2023 Meeting Minutes
3. Changing Our Culture of Property Maintenance
 - a. Updates
 - i. Consent Forms
 - ii. Violation Notices
 - iii. Hardship Form and Process
 - b. Action Items
 - i. LMI Supplemental Funds Recommendation - \$200K funds to supplement FHLB grant funds
 - ii. Vegetation Ordinance - Update and Staged Implementation Resolution
4. Other Reports
5. Adjourn

STAFF REQUESTED: John Schardine, Wendi Rieb, Amanda Stanley, Rhiannon Friedman, Carrie Higgins, Liz Toyne

COMMITTEE MEMBERS: Karen Hiller (Chair) - District 1
Christina Valdivia-Alcalá - District 2
Brett Kell - District 5
Spencer Duncan - District 8

Contact: Liz Toyne, City Council Assistant 785-368-3710



CITY OF TOPEKA

Property Maintenance Unit
620 SE Madison, Unit 13
Topeka, KS 66607-1118

Tel: (785) 368-3161
Fax: (785) 368-3175
www.topeka.org

Consent to Inspection or Abatement

Date: _____

Time: _____

Case #: _____

I, _____, lawful possessor or owner of the property located at _____, Topeka, Kansas, having been informed of my right to refuse consent and insist on an Administrative Search Warrant to allow inspection of my property for property maintenance violations or abatement of any conditions which violate the 2012 International Property Maintenance Code as adopted by the City of Topeka, choose to voluntarily waive those rights and allow employees of the City of Topeka Property Maintenance Code Division to conduct:

_____ an inspection of the property, or to view other property from my property.

_____ an abatement of any condition on the property and to remove or correct the following conditions and agreeing that the property owner will be responsible for administrative penalties and abatement costs: _____

This written consent is given by me freely and voluntarily, and there were no threats or promises involved in obtaining this consent.

Property Maintenance

Property Owner

Date

Date



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NOTICE OF VIOLATION
IMMEDIATE ACTION REQUIRED ON OR BEFORE October 5, 2022

CASE #: 22-08534

September 22, 2022
22-08534

Brown, John L Owner
111 Ocean Blvd. Apt 40
Long Beach, CA 90802-6083

LOCATION OF VIOLATION:

1417 SE Quincy St.
Topeka, KS 66612

PARCEL ID#: 1330601024018000

Certified Mail # 7190 1716 7500 0145 5485

FOR QUESTIONS CONTACT:

David Adams
office: (785) 368-2478
cell: (785) 408-2996

Dear Sir or Madam:

We are glad to have you as part of the Topeka community! It has come to our attention that your property does not comply with current property maintenance codes. How you maintain your home and property directly impacts the community in which we all live. Regardless of the community demographic, property violations affect a home's value, a neighborhood's appeal to prospective residents, and people's sense of safety.

Our Property Maintenance team is prepared to work with you to bring your property into compliance. **Property Maintenance aims to gain volunteer compliance with the least amount of City government intervention.** The City of Topeka seeks to create community stability and promote a safer, healthier place to live and work.

If you cannot bring your property into compliance by the deadline indicated on your Notice of Violation, please get in touch with your property maintenance inspector immediately for referrals for assistance or other arrangements - their contact information is available on your Notice of Violation. If you do not receive a call back within 48 hours, contact the Property Maintenance Director at 785-368-3170 or email at jschardine@topeka.org.

A resource guide to help bring your property into compliance is available at Topeka.org/Changing our Culture dropdown/ Community Resources. You may also contact our Housing Navigator at 785-368-3171 or email at ilfaudoa@topeka.org

This Notice is to advise you that the property at 1417 SE Quincy St. was inspected on September 21, 2022, and found to violate the 2012 International Property Maintenance Code as adopted by the City of Topeka.

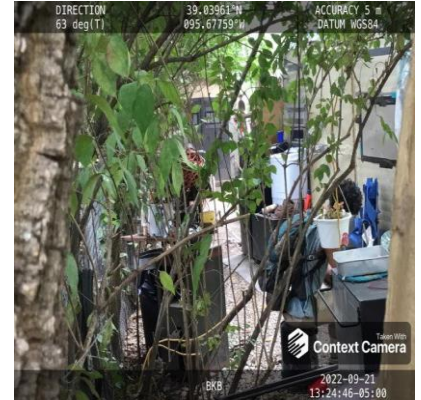
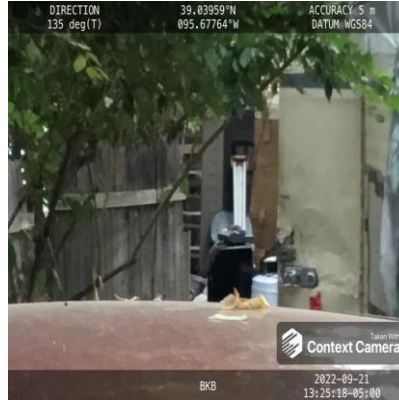
Sanitation Violations

-- 302.1 - SANITATION - All exterior property and premises shall be maintained in a clean, safe, and sanitary condition.



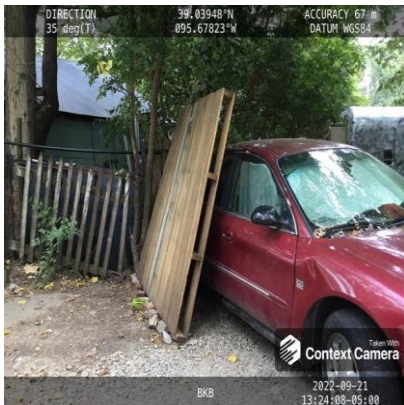
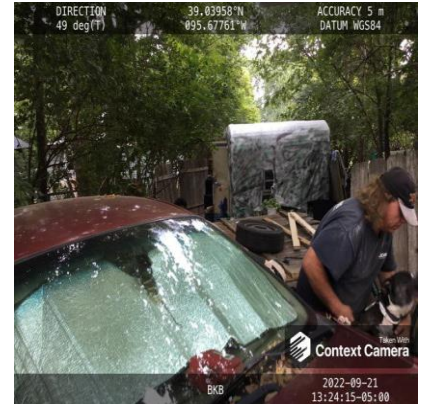
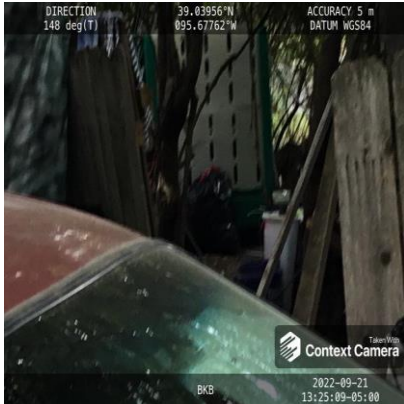
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- All interior furniture, pallets, plastic, scrap metal, broken items, construction waste, household items, tires and scattered rubbish.





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You are required to correct this violation on or before October 5, 2022. At that time, the property will be re-inspected, and if the violation(s) are found to be corrected, no further action will be taken.

A property owner may appeal this notice of violation by requesting a hearing before an administrative hearing officer. The request must be made in writing to the Property Maintenance Code Official on or before October 5, 2022. Appeals are limited to 1) whether the provisions of the Code apply, 2) whether the Code Official correctly interpreted the Code or, 3) whether the requirements of the Code may be adequately satisfied by other means. Appeals seeking to set aside or waive a Code requirement are not permitted.

The City of Topeka values its residents and encourages volunteer compliance. However, failure to correct the violation(s) may result in administrative penalties, abatement by the City with costs assessed against the owner of the property, and is a misdemeanor offense that can be prosecuted in Topeka Municipal Court with criminal penalties of a fine of up to \$499 and a jail sentence of up to 179 days for each day the violation(s) exists.

Sincerely,
Brad Beelman
Code Official



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Property Maintenance Unit



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bkbbeelman@topeka.org office:

(785) 368-2478

cell: (785) 408-2996

RECIPIENTS: Brown, Johnarveen L Owner (Owner) , Resident (Tenant)



Date: _____

Case #: _____

Inspector Name: _____

Declaration of Hardship

PROPERTY ADDRESS: _____ **Zip Code:** _____

Applicants Name: _____
Last First Middle Age Date of Birth

Phone Numbers: HOME: _____ WORK: _____ CELL _____

Email Address: _____

=====

ALL OTHER HOUSEHOLD OCCUPANTS: (All family and non-family members residing with you currently or shall reside with you in the next residence as participants of any housing program. Include roommates, co-habitants, friends or acquaints.)

Name	Relationship	Age	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The information requested will be used only to determine what financial resources in community programs may be available to me. After review, staff will research the availability of financial assistance and advise me. I understand that this information is no guarantee of assistance and that eligibility for funding, if available, is subject to change or termination at any time without notice. The information I am providing will not be disclosed, if requested, under the Kansas Open Records Act pursuant to the exemption in K.S.A. 45-221(a)(30)

Signature of Applicant

_____ Date: _____

FOR INTERNAL USE ONLY:

Completed by:

Name: _____ Date: _____

EARNINGS or INCOME (During Past 12 months): Employment, Business Earnings, Self-Employment, Real Estate Rental, Social Security, Pensions, VA, Annuities, Child Support, Alimony, Welfare, Food Stamps. Specify Income as Weekly, Monthly, Temporary, No Longer Receiving, etc. Documentation of occupant income must be returned with this application and consist of such items completed income verification form, copies of three consecutive paycheck stubs, copies of annual Social Security award letter or Social and Rehabilitation Services payments, copies of pension or annuity payments, copies of child support payments, copies of incomes from certificates of deposits or bank accounts.

NAME	SOURCES	PAY PERIOD	INCOME
			\$
Do you have Homeowner's Insurance?: _____			TOTAL ANNUAL GROSS INCOME \$

Insurance Agent/Company(Address & Phone Number):

Type of Ownership: Deed: _____

Mortgage Holder (Address & Phone Number):

VOLUNTARY INFORMATION FOR GOVERNMENT MONITORING PURPOSES:

Applicant: I Do Not Wish to Furnish This Information: _____

RACE / NATIONAL ORIGIN:

(This category must be completed)

- ☐ AI American Indian / Alaskan Native
☐ AS Asian
☐ BA Black / African American
☐ HI Native Hawaiian / Other Pacific Islander
☐ WH White
☐ IW American Indian / Alaskan Native & White
☐ AW Asian & White
☐ BW Black / African American & White
☐ IB American Indian / Alaskan Native
 & Black / African American
☐ OT Other

ETHNICITY:

- ☐ HS Hispanic / Latino
☐ NHS Not Hispanic / Latino

GENDER:

- ☐ Female
☐ Male

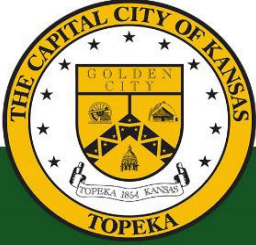
Female Headed Household:

☐ YES ☐ NO

Age (over 62): ☐ YES ☐ NO

Disability: ☐ YES ☐ NO

Please describe your current financial situation and types of services you are in need in:



CITY OF TOPEKA

Property Maintenance
620 SE Madison Street, 1st Floor
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Tel: 785-368-3711
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WAGE VERIFICATION FORM

Employee's Name _____

Employee's home address _____

TO THE EMPLOYER: Your name has been given as an employer by the above individual. We request your cooperation in supplying the information needed below, which will be kept in strict confidence.

The program, for which the individual is applying, is legally required to verify the income from all sources. We are unable to use paycheck stubs, please fill out the form completely and accurately.

PLEASE BE SPECIFIC REGARDING THE INFORMATION BELOW

Date employed _____ Occupation/Title _____

Current Rate of Gross Pay: Month \$ _____ Week \$ _____ Hour \$ _____

If pay is on hourly basis: Average hours regularly worked per week _____

Hours of regular overtime _____ Rate of pay for overtime \$ _____

Is increase in pay anticipated? No _____ Yes _____ When _____ Amt \$ _____

Has rate of pay changed in the past year? Yes _____ No _____

Give date(s) and change: Date _____ from \$ _____ to \$ _____
Date _____ from \$ _____ to \$ _____

If possible, give actual amount earned during a given period, such as quarterly, semi-annually, or annually. (**Please show GROSS amount**)

Amount earned from _____ to _____ is \$ _____

Remarks: _____

Company name _____

Address _____ Phone Number _____

Signature _____ Title _____

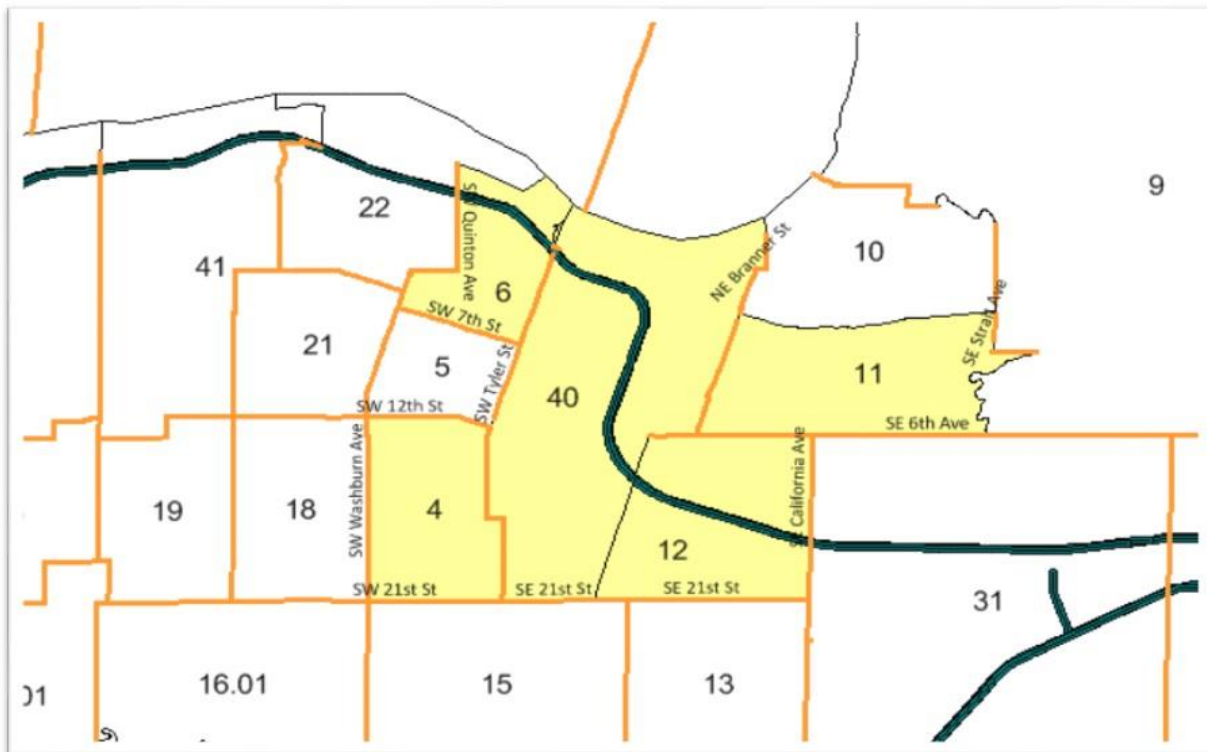
Income Limitation: None

Term/Repayment: The mortgage is forgiven upon the conclusion of 12 months residency in the property by the borrower. No principal, or interest payments are due while borrower is living in residence.

Borrowers currently delinquent with Capitol Federal are NOT eligible

Eligible Areas - TOPEKA

20	45820	177	0004.00	20% - <50%	<50%	43.3845
20	45820	177	0006.00	50% - <80%	<50%	41.0654
20	45820	177	0011.00	50% - <80%	<50%	42.198
20	45820	177	0012.00	50% - <80%	<50%	46.9423
20	45820	177	0040.00	20% - <50%	<50%	42.6643



Contact Debra Shore of Capitol Federal for an appointment. 785-274-5769

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Interim City Manager Richard Nienstedt concerning exterior property area maintenance provisions of the International Property Maintenance Code, amending § 8.60.140, § 8.60.070 and § 8.60.080 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 8.60.140, Section 302 – Exterior property areas, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 302 – Exterior property areas.

Section 302.4, Weeds, is deleted in its entirety and the following provisions shall be substituted therefor:

~~Weeds~~Vegetation.

(a) All ~~premises and exterior property~~ shall be maintained free from ~~weeds or plant growth~~vegetation in excess of twelve inches in height.

(b) All noxious weeds, as defined by the Kansas Department of Agriculture pursuant to K.S.A. 2-1313a and amendments thereto, shall be prohibited. ~~Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens.~~

(c) Vegetation means, but is not limited to, weeds, woody vines, volunteer saplings under four to six inches in diameter, shrubs, brush, grass and uncultivated plants; however this term shall not include cultivated trees, shrubs and vines and gardens, which are defined as areas cultivated for growth of vegetables, fruits, herbs, flowers, ornamental grasses and native plants. A native plant is any plant indigenous to

29 the local ecosystem.

30 (b) Notwithstanding subsection (a), an owner of undeveloped property that
31 exceeds two acre is responsible for removing or destroying vegetation, except for grass
32 or ground cover, within fifteen feet of any sidewalks, streets or adjacent property lines.

33 (c) Upon failure of the owner or agent having charge of the property to comply
34 with Section 302.4 after service of a notice of violation, the person may be subject to
35 prosecution in accordance with Section 106.3. Upon failure to comply with the notice,
36 the City or its contractor may enter upon the property to remove or destroy the ~~weeds~~
37 ~~and/or~~ vegetation and assess the costs against the owner.

38 Section 2. That section 8.60.070, Section 106 – Violations, abatements, fees,
39 of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

40 **Section 106 – Violations, abatements, fees.**

41 Section 106.3, Prosecution of violation, is deleted in its entirety and the following
42 provisions shall be substituted therefor:

43 A person who fails to comply with a notice of violation served in accordance with
44 Section 107, shall be guilty of a misdemeanor and, if convicted, may be punished in
45 accordance with subsection (b). A violation of this chapter shall be deemed a strict
46 liability offense. Abatement of a violation by the Code Official shall not be a defense or
47 excuse to a violation. The pendency of an administrative hearing pursuant to section
48 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution
49 and adjudication in Municipal Court.

50 (b) Punishment for a violation of the International Property Maintenance Code
51 (IPMC), adopted pursuant to TMC 8.60.010, shall be as follows:

- (1) Upon a first conviction, a fine of not more than one thousand dollars;
- (2) Upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;
- (3) Upon a third conviction, a fine of not less than five hundred dollars nor more than one thousand dollars;
- (4) Upon a fourth or subsequent conviction, a fine of not less than one thousand dollars nor more than two thousand five hundred dollars;
- (5) In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed six (6) months, or by both such fines and imprisonment.
- (c) For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:
- (1) conviction includes being convicted of a violation of the IPMC, and it is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (2) conviction includes being convicted of a violation of the IPMC or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section.
- (3) any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.
- (d) Each day that any violation of this ordinance continues shall constitute a separate offense and be punishable hereunder as a separate violation.
- (e) In addition to the penalties set forth above, the court may require that the owner register the property pursuant to Chapter 8.65 TMC.

75 Section 106.4, Violation penalties, is deleted in its entirety and the following
76 provisions shall be substituted therefor:

77 Administrative penalties.

78 (a) There shall be an administrative monetary penalty of \$100.00 imposed on
79 the owner or, in the case of inoperative vehicles, the vehicle owner for each violation of
80 this chapter that remains uncorrected after the time period stated in the notice of
81 violation has elapsed.

82 (b) The administrative monetary penalty for a second or subsequent violation
83 for which an administrative penalty has been imposed under this chapter that remains
84 uncorrected after the time period stated in the notice of violation has elapsed for the
85 same property within 12 months of the same or substantially same violation shall be
86 \$200.00.

87 Section 106.5, Abatement of violations, is deleted in its entirety and the following
88 provisions shall be substituted therefor:

89 (a) Abatement. Upon the expiration of the compliance period stated in the
90 notice of violation, the Code Official shall inspect the property. The Code Official may
91 grant an extension of time if the owner demonstrates that due diligence is being
92 exercised in abating the violation. If the owner has failed to comply within the
93 compliance period or has failed to timely request an appeal hearing, the Code Official
94 may abate the violation and assess the costs against the owner. If the costs are not
95 paid within 30 days, the cost may be collected pursuant to K.S.A. 12-1,115 and
96 amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e,
97 K.S.A. 12-1617f, K.S.A. 12-1755, or K.S.A. 17-4759 and amendments thereto.

(b) Fees. The costs incurred by the City for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The administrative costs shall be:

General violations of the IPMC \$140.00

~~Weeds and grasses~~ Vegetation \$140.00

Inoperative vehicles \$175.00

Section 3. That section 8.60.080, Section 107 – Notices, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 107 – Notices.

Section 107.2, Form, is deleted in its entirety and the following provisions shall be substituted therefor:

The notice prescribed in Section 107.1 shall include the following:

1. Description of the real estate sufficient for identification.

2. A statement that includes a description of the conditions and identifies violations of Chapter 8.60.

3. A statement that the property owner must abate the violation by the date designated in the notice.

4. A statement advising that any owner may request an appeal hearing before an Administrative Hearing Officer. The request shall be submitted to the Code Official on or before the date designated in the notice. The scope of the appeal shall be limited to the following: (i) whether the provisions of Chapter 8.60 apply; (ii) whether the Code Official has correctly interpreted Chapter 8.60; and/or (iii) whether the requirements of Chapter 8.60 can be adequately satisfied by other means.

121 5. A statement that if the violations(s) is not corrected or a hearing requested, the
122 City may impose administrative penalties, abate the violation, and assess the costs
123 against the owner.

124 6. A statement advising that failure to timely comply with the notice may result in
125 prosecution in Municipal Court regardless whether an administrative hearing is pending.

126 Section 107.3, Method of Service, is deleted in its entirety and the following
127 provisions shall be substituted therefor:

128 (a) Method of Service. Notice shall be served in one of the following manners:

129 1. Personal service; residence service. Delivering the notice to the
130 property owner or leaving the notice at the property owner's dwelling or usual
131 place of abode with someone of suitable age and discretion who resides there.

132 2. Personal service; residence service unsuccessful. If personal or
133 residence service cannot be made, service may be effected by: (i) leaving a copy
134 of the notice at the property owner's dwelling or usual place of abode; and (ii)
135 mailing to the property owner by first-class mail a notice that the copy has been
136 left at the dwelling or usual place of abode.

137 3. Personal service; legal entity. If the property owner is a legal entity,
138 service may be effected as follows:

139 (i) serving the notice on an officer, manager, partner or a resident,
140 managing or general agent;

141 (ii) leaving a copy of the notice at any business office with the
142 person having charge of the office; or

143 (iii) serving the notice on any agent authorized by appointment or

144 by law to receive service of process.

145 4. Certified mail, return receipt requested, to the last known address of the
146 property owner as reflected in the records of the County Appraiser.

147 5. Delivery failure. If the property owner or the property owner's agent has
148 failed to accept delivery of notice or otherwise failed to effectuate receipt of
149 notice during the preceding twenty-four month period, notice may be provided by
150 other methods, including but not limited to door hangers, conspicuously posting
151 notice on the property, personal notification, telephone communication, electronic
152 communication, or first class mail.

153 6. In addition to the methods identified in this section, but not in lieu of, the
154 Code Official may provide notice by other methods, including, but not limited to,
155 door hangers, conspicuously posting notice on the property, personal notification,
156 telephone or electronic communication, or first class mail.

157 7. As authorized by K.S.A. 12-1617f, the Code Official may provide a one-
158 time yearly written notice by mail or personal service to the owner or occupant
159 which will permit subsequent abatement mowings without any additional notice.
160 The notice shall also include a statement that no further notice shall be given
161 prior to cutting or removing ~~weeds~~vegetation.

162 (b) Proof of Service. Proof of service of the notice shall be certified at the time
163 of service by a written declaration under penalty of perjury executed by the person
164 effecting service, declaring the time, date and manner in which service was made.

165 Section 4. That original § 8.60.140, § 8.60.070 and § 8.60.080 of The Code of
166 the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

(Published in the Topeka Metro News _____)

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(c) Vegetation means, but is not limited to, weeds, woody vines, volunteer saplings under four to six inches in diameter, shrubs, brush, grass and uncultivated plants; however this term shall not include cultivated trees, shrubs and vines and gardens, which are defined as areas cultivated for growth of vegetables, fruits, herbs, flowers, ornamental grasses and native plants. A native plant is any plant indigenous to the local ecosystem.

30 (b) Notwithstanding subsection (a), an owner of undeveloped property that
31 exceeds one acre is responsible for removing or destroying vegetation, except for grass
32 or ground cover, within fifteen feet from the property line.

33 (c) Upon failure of the owner or agent having charge of the property to comply
34 with Section 302.4 after service of a notice of violation, the person may be subject to
35 prosecution in accordance with Section 106.3. Upon failure to comply with the notice,
36 the City or its contractor may enter upon the property to remove or destroy the ~~weeds~~
37 ~~and/or~~ vegetation and assess the costs against the owner.

38 Section 2. That section 8.60.070, Section 106 – Violations, abatements, fees,
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42 provisions shall be substituted therefor:

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44 Section 107, shall be guilty of a misdemeanor and, if convicted, may be punished in
45 accordance with subsection (b). A violation of this chapter shall be deemed a strict
46 liability offense. Abatement of a violation by the Code Official shall not be a defense or
47 excuse to a violation. The pendency of an administrative hearing pursuant to section
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53 (2) Upon a second conviction, a fine of not less than one hundred dollars nor

54 more than one thousand dollars;

55 (3) Upon a third conviction, a fine of not less than five hundred dollars nor
56 more than one thousand dollars;

57 (4) Upon a fourth or subsequent conviction, a fine of not less than one
58 thousand dollars nor more than two thousand five hundred dollars;

59 (5) In addition to the preceding fines such person may be punished by a term
60 of imprisonment which shall not exceed six (6) months, or by both such fines and
61 imprisonment.

62 (c) For the purposes of determining whether a conviction is a first or subsequent
63 conviction in sentencing under this section:

64 (1) conviction includes being convicted of a violation of the IPMC, and it is
65 irrelevant whether an offense occurred before or after conviction for a previous offense.

66 (2) conviction includes being convicted of a violation of the IPMC or entering
67 into a diversion agreement in lieu of further criminal proceedings on a complaint alleging
68 a violation of this section.

69 (3) any convictions occurring during the three years prior to the date of the
70 occurrence shall be taken into account when determining the sentence to be imposed.

71 (d) Each day that any violation of this ordinance continues shall constitute a
72 separate offense and be punishable hereunder as a separate violation.

73 (e) In addition to the penalties set forth above, the court may require that the
74 owner register the property pursuant to Chapter 8.65 TMC.

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76 provisions shall be substituted therefor:

77 Administrative penalties.

(a) There shall be an administrative monetary penalty of \$100.00 imposed on the owner or, in the case of inoperative vehicles, the vehicle owner for each violation of this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed.

(b) The administrative monetary penalty for a second or subsequent violation for which an administrative penalty has been imposed under this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed for the same property within 12 months of the same or substantially same violation shall be \$200.00.

Section 106.5, Abatement of violations, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) Abatement. Upon the expiration of the compliance period stated in the notice of violation, the Code Official shall inspect the property. The Code Official may grant an extension of time if the owner demonstrates that due diligence is being exercised in abating the violation. If the owner has failed to comply within the compliance period or has failed to timely request an appeal hearing, the Code Official may abate the violation and assess the costs against the owner. If the costs are not paid within 30 days, the cost may be collected pursuant to K.S.A. 12-1,115 and amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e, K.S.A. 12-1617f, K.S.A. 12-1755, or K.S.A. 17-4759 and amendments thereto.

(b) Fees. The costs incurred by the City for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The administrative costs shall be:

General violations of the IPMC \$140.00

102 ~~Weeds and grasses~~Vegetation \$140.00

103 Inoperative vehicles \$175.00

104 Section 3. That section 8.60.080, Section 107 – Notices, of the Code of the
105 City of Topeka, Kansas, is hereby amended to read as follows:

106 **Section 107 – Notices.**

107 Section 107.2, Form, is deleted in its entirety and the following provisions shall
108 be substituted therefor:

109 The notice prescribed in Section 107.1 shall include the following:

110 1. Description of the real estate sufficient for identification.

111 2. A statement that includes a description of the conditions and identifies
112 violations of Chapter 8.60.

113 3. A statement that the property owner must abate the violation by the date
114 designated in the notice.

115 4. A statement advising that any owner may request an appeal hearing before an
116 Administrative Hearing Officer. The request shall be submitted to the Code Official on or
117 before the date designated in the notice. The scope of the appeal shall be limited to the
118 following: (i) whether the provisions of Chapter 8.60 apply; (ii) whether the Code Official
119 has correctly interpreted Chapter 8.60; and/or (iii) whether the requirements of Chapter
120 8.60 can be adequately satisfied by other means.

121 5. A statement that if the violations(s) is not corrected or a hearing requested, the
122 City may impose administrative penalties, abate the violation, and assess the costs
123 against the owner.

124 6. A statement advising that failure to timely comply with the notice may result in
125 prosecution in Municipal Court regardless whether an administrative hearing is pending.

Section 107.3, Method of Service, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) Method of Service. Notice shall be served in one of the following manners:

1. Personal service; residence service. Delivering the notice to the property owner or leaving the notice at the property owner's dwelling or usual place of abode with someone of suitable age and discretion who resides there.

2. Personal service; residence service unsuccessful. If personal or residence service cannot be made, service may be effected by: (i) leaving a copy of the notice at the property owner's dwelling or usual place of abode; and (ii) mailing to the property owner by first-class mail a notice that the copy has been left at the dwelling or usual place of abode.

3. Personal service; legal entity. If the property owner is a legal entity, service may be effected as follows:

(i) serving the notice on an officer, manager, partner or a resident, managing or general agent;

(ii) leaving a copy of the notice at any business office with the person having charge of the office; or

(iii) serving the notice on any agent authorized by appointment or by law to receive service of process.

4. Certified mail, return receipt requested, to the last known address of the property owner as reflected in the records of the County Appraiser.

5. Delivery failure. If the property owner or the property owner's agent has failed to accept delivery of notice or otherwise failed to effectuate receipt of notice during the preceding twenty-four month period, notice may be provided by

other methods, including but not limited to door hangers, conspicuously posting notice on the property, personal notification, telephone communication, electronic communication, or first class mail.

6. In addition to the methods identified in this section, but not in lieu of, the Code Official may provide notice by other methods, including, but not limited to, door hangers, conspicuously posting notice on the property, personal notification, telephone or electronic communication, or first class mail.

7. As authorized by K.S.A. 12-1617f, the Code Official may provide a one-time yearly written notice by mail or personal service to the owner or occupant which will permit subsequent abatement mowings without any additional notice. The notice shall also include a statement that no further notice shall be given prior to cutting or removing ~~weeds~~vegetation.

(b) Proof of Service. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

Section 4. That original § 8.60.140, § 8.60.070 and § 8.60.080 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

PROPERTY MAINTENANCE CODE SERVICES

Standard Operating Procedure

Title: Special Notice 23-0001 - Vegetation			
Prepared By: John Schardine	Date Prepared:	Approved By:	Date Approved:

Purpose:

The purpose of Special Notice number 23-0001-Vegetation is to augment additional elements to the current definition of Vegetation under Standard Operating Procedure PMU 02 Weeds, Grass & Vegetation Violations. Additional elements to be considered under this code shall include woody vines, volunteer saplings, shrubs, brush and uncultivated plants; however this term shall not include cultivated trees, shrubs, vines and gardens, which are defined as areas cultivated for growth of vegetables, fruits, herbs, flowers, ornamental grasses and native plants. The implementation of these new elements shall be applied in phases over a three-year period; except whereas under extreme circumstances when the Code Official is exposed to such incidents that have created a health and safety issue for the occupants or general public, the Code Official shall have the authority to cite the code as written. Any enforcement actions regarding the additional elements shall require the approval of the Code Manager or his/her designee.

The projected time frame for partial to full implementation is as follows.

Phase In Approach

Year 1 – Educational Awareness Campaign addressing Code changes and cost differential

- Substantial Differences in the cost of abetments should be discussed
- Letters in water bills/ COT Facebook/ media blast
- Courtesy letters addressing the cost associated with future enforcement
- Public feedback and input will be considered.

Year 2 – Partial Enforcement

- 15 foot off of Right-of-Ways will be enforced
- Public access points will be enforced
- Courtesy letters addressing the cost associated with future enforcement
- Letters in water bills/ COT Facebook/ media blast
- Public feedback and comments will be considered.

Year 3 - Full Enforcement of Adopted Code

- Adopted Code will be applied to full yards and easements

_____ John Schardine, Director Property Maintenance Unit	_____ Date Approved
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