

# PROPERTY MAINTENANCE CODE DIVISION

## Standard Operating Procedure PMC 12

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<b>Title: Vacant Property Registration</b>
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### I. Purpose

- A. The purpose of this procedure is to provide direction and a process to properly identify, document, and report vacant properties as defined by Chapter 8.65 of the code of the city of Topeka, Kansas, hereafter referred to as the “Code”.
- B. It is the policy of the Property Maintenance Code Division to identify, document, report, and notify property owners of vacant properties within the city limits. The Property Maintenance Code Division will document the process, including evidence collection, case management, and data entry.

### II. Definitions

- A. Director - “Shall mean the Chief of Police or designee.” (TMC 8.65.020)
- B. Enforcement Officer - “Shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the city to enforce any applicable ordinance.” (TMC 8.65.020)
- C. Governmental Entities - “Shall mean any federal agency, city, county, school district or other taxing subdivision.” (TMC 8.65.020)
- D. Number - “Words used in the singular include the plural, and words used in the plural include the singular.” (TMC 1.10.020)
- E. Owner - “Shall mean every person, entity, or mortgagee, who alone or severally with others has legal title to any real property, excluding governmental entities. In the absence of substantial evidence to the contrary, records of the Shawnee County Clerk’s Office, Register of Deeds, certified copies of court records or judgments of any court, contracts for deed and other documents related to the property shall be conclusive evidence of ownership.
- F. Premises - “A lot, plot or parcel of land, easement or public way, including any structure thereon.” (IPMC 202)
- G. Property - A lot, plot or parcel of land, easement or public way, including any structure thereon. This term is intended to be synonymous with the term “Premises”, as used in the Code.
- H. Property Manager - “Shall mean any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in TMC 8.65.010.” (TMC 8.65.020)
- I. Public Way - “Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.” (IPMC 202)

# PROPERTY MAINTENANCE CODE DIVISION

## Standard Operating Procedure PMC 12

---

- J. Real Property - “Shall mean any residential or commercial land and/or buildings, identified by a property parcel identification number, located in the city limits.” (TMC 8.65.020)
- K. Registrable Property - “Shall mean:
  - 1. Any property that is vacant for more than 180 days.” (TMC 8.65.020)
- L. Registry - “Shall mean a database of real property, used by the City to allow owners the opportunity to register vacant properties as required in TMC 8.65.” (TMC 8.65.020)
- M. Renovation Activities - “Shall mean actions that demonstrate that property is being repaired, remodeled, or rehabilitated. Such activities shall include, but not be limited to, painting, roofing, wallpapering, tiling, carpeting, installing cabinets/counter tops, installing heating/cooling systems, and repairs to any part of the structure including, but not limited to, the foundation, windows, doors, siding, and porches.” (TMC 8.65.020)
- N. Annual Registration - “Shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Director
- O. Utility - “Shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all city ordinances. This includes, but is not limited to, electrical, gas, water, and sewer.” (TMC 8.65.020)
- P. Vacant - “Shall mean any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, non-transient basis. Evidence that a property is vacant shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property has not been occupied or in use for at least 180 days. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings.” (TMC 8.65.020)
- Q. TMC - The abbreviation “TMC” shall mean the Topeka Municipal Code as used in references to sections of the code of the city of Topeka, Kansas.

### III. Applicable Codes

- A. Establishment of a Registry - TMC 8.65.030
- B. Maintenance Requirements - TMC 8.65.060
- C. Registration of Vacant Property - TMC 8.65.050
- D. Security Requirements - TMC 8.65.070

# PROPERTY MAINTENANCE CODE DIVISION

## Standard Operating Procedure PMC 12

---

### IV. Procedure

#### A. Notification of Vacant Properties

1. The Code Official shall regularly survey their area for vacant structures and within forty-eight (48) hours, review all vacant property complaints that are received by the Property Maintenance Code Division within their area. If a structure meets the criteria of "Vacant" the Code Official will forward the address to Administrative Staff.
  - a. Vacant property criteria shall meet the "Vacant" definition.
  - b. Vacant property does not include:
    - i. A property of someone who vacations in another state (snowbirds),
    - ii. A property of someone who is correcting violations on a structure, and/ or
    - iii. A property that is actively for sale with an agent and a FOR SALE sign in the yard.
    - iv. A property that is actively for sale by the owner with a FOR SALE sign in the yard.
    - v. A property that is actively for rent by the owner with either a FOR RENT sign in the yard or an ADVERTISEMENT that can be documented.
2. Administrative Staff shall:
  - a. Send notice to the property owner informing them they must register the vacant property if it is registerable.

#### B. Registration

1. When a property has been vacant for 180 days, an owner shall register the real property within ten (10) days or ten (10) days after assuming ownership, whichever is later.
2. An owner of a vacant property shall not be required to register the real property if the owner is performing renovation activities.
3. Administrative Staff will send a notice to the owner of a vacant property to inform them that they need to register the property.
  - a. The registration period start date will begin on the 1<sup>st</sup> day of the following month after the case is opened.
4. The registration shall contain at a minimum the following contact information:
  - a. Owner name
  - b. Owner mailing address
  - c. Owner email address
  - d. Owner telephone number
5. Property manager information: (if applicable)
  - a. Property manager name
  - b. Property manager mailing address
  - c. Property manager email address
  - d. Property manager telephone number
6. Agent information: (required if owner lives outside a sixty (60) mile radius of the city limits)
  - a. Agent name

# PROPERTY MAINTENANCE CODE DIVISION

## Standard Operating Procedure PMC 12

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- b. Agent mailing address
- c. Agent email address
- d. Agent telephone number
- C. Subsequent Semiannual Registrations
- D. Property Sold or Transferred
  - 1. When property is sold or transferred, the new owner is subject to all the terms of TMC 8.65.
  - 2. Within ten (10) days of the sale or transfer, the new owner shall register the property or update the existing registration.
  - 3. A property owner shall notify the Director when the property is no longer vacant.
- E. Failure to Properly Register
  - 1. Failure to properly register a property shall be subject to a civil penalty of \$250 for each violation.
  - 2. Each property shall constitute a separate offense.
- F. Administrative Appeal Hearing
  - 1. A owner shall have the right to appeal the registration requirement and/or civil penalty fee to an Administrative Hearing Officer provided that a written application is submitted to the Property Maintenance Code Division within ten (10) business days from the date of the notice.
  - 2. The Administrative Hearing Officer shall conduct the hearing as specified in the Administrative Hearings Standard Operating Procedure.
- G. Process Fees - Billing
  - 1. Administrative Staff will issue a civil penalty fee per each violation. Civil penalty fees will be waived if the registration is completed by filing a contact information form with the Property Maintenance Code Division.
  - 2. Administrative Staff shall file any unpaid civil penalty fees as an assessment to the property owner's property tax bill.
  - 3. Fees assessed to property taxes will be removed if paid by the owner or at the discretion of the Department Director or the Code Manager.
- H. Maintenance Requirements - Each owner of a vacant property shall maintain the property in accordance with TMC 8.65; the International Property Maintenance Code (IPMC), as codified in TMC 8.60.010, and all other codes adopted by the city.
- I. Security Requirements - Each owner of a vacant property is required to secure the property in a manner so as not to be accessible to unauthorized persons to include:
  - 1. Closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure.
  - 2. Repairing broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows shall be secured by re-glazing of the window.

# PROPERTY MAINTENANCE CODE DIVISION

## Standard Operating Procedure PMC 12

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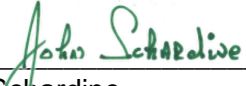
V. **Closing the Case** – The Property Maintenance Code Division will deregister properties on the Vacant Registry once the property no longer meets the required criteria of TMC Chapter 8.65.

VI. **Case Management** - The Code Official shall be available for correspondence concerning current and past cases during assigned working hours via cell phone, personal contact, email or other electronic communication means.

### VII. Procedure Modifications

A. This procedure shall be reviewed biennially on or before March 1<sup>st</sup> or as necessary based on revisions to the policy or the Code.

B. The Division Director or his designee may only amend, change, or modify this procedure.

 _____ John Schardine Director Property Maintenance Code Division	 _____ 2/8/2024 Date Approved
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