

(First published in the Marion County Record July 20, 2022)

**ORDINANCE NO. 1491**

**AN ORDINANCE OF THE CITY OF MARION, KANSAS ADOPTING THE 2015 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, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF MARION, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFORE; REPEALING PORTIONS OF MARION CITY CODE AND ALL OTHER ORDINANCES OR PARTS OF LAW IN CONFLICT THEREWITH:**

BE IT ENACTED AND ORDAINED by the Governing Body of the City of Marion, Kansas, and it is hereby enacted and ordained as follows:

**Section 1:** That a certain document, three (3) copies of which are on file in the office of the City Clerk for the City of Marion, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Marion, in the State of Kansas for 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, sanitary, and fit for occupation and use; and the condemnation of the buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and the collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Marion are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2:** The following sections are hereby revised:

Section 101.1. NAME OF JURISDICTION

Insert "City of Marion"

Section 102.3 APPLICATION OF OTHER CODES

Insert "Existing and Historical Buildings Code"

**Section 103.5 FEES**

Insert "If the City abates any nuisance condition pursuant to this article, the cost of abatement and all costs associated with giving notices as prescribed in this article may be assessed against the lot or parcel of ground as to which such nuisance condition existed in the following manner. The City Clerk shall give written notice in the same manner as prescribed in Section 8-305 of the costs of such abatement and the costs of giving notices under these proceedings, including a statement that payment of such costs is due and payable within 30 days following receipt or deemed receipt of such notice. If such costs are not paid within such time, the City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs as provided in this Section. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The governing body may also direct the collection of such costs against the owners of such lot or parcel of ground on which such nuisances were located in the manner as prescribed in K.S.A. 12- 1,115 and any amendments thereto."

**Section 111 MEANS OF APPEAL**

Not adopted, but set forth in previous ordinances contained in Marion City Code.

**Section 112.4. FAILURE TO COMPLY**

Insert "\$100.00 and \$1,000.00

**Section 302.4. WEEDS**

Insert "Height defined in current City Code"

**Section 304.14. INSECT SCREENS**

Insert "April 1 through October 1"

**Section 602.3 HEAT SUPPLY**

Insert "October 1 through April 1"

**Section 602.4. OCCUPIABLE WORK SPACES**

Insert "October 1 through April 1"

**Appendix A BOARDING STANDARD**

Not Adopted

**Section 3:** That the portions of the City Code of the City of Marion, Kansas and all other ordinances or parts of law in conflict herewith are hereby repealed.

**Section 4:** That if any section , subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance. The Marion City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5:** Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6:** That the City Clerk is hereby ordered and directed to cause this ordinance to be published in the official newspaper of the City of Marion, Kansas.

**Section 7:** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from the date of its final passage, signature by the mayor, and publication in the official newspaper.

PASSED and APPROVED THIS 11<sup>TH</sup> DAY OF JULY, 2022.

  
David Mayfield, Mayor

  
Attest: Tiffany Jeffrey, City Clerk