

**RESOLUTION**

No. 74-2002

DATE EFFECTIVE: May 21, 2002

**A RESOLUTION AMENDING CHAPTER 6 OF THE *SEDGWICK COUNTY CODE* BY ESTABLISHING A RENTAL HOUSING CODE; PROVIDING FOR MINIMUM RENTAL PROPERTY STANDARDS OF HOUSING IN THE UNINCORPORATED AREA OF SEDGWICK COUNTY; PROVIDING FOR THE ENFORCEMENT OF SAME BY THE DEPARTMENT OF CODE ENFORCEMENT; DEFINING VIOLATIONS AND PROVIDING PENALTIES THEREFOR.**

**WHEREAS**, the Board of County Commissioners finds that having safe rental housing available to the citizens of Sedgwick County is necessary and desirable; and

**WHEREAS**, the adoption of a code to establish and enforce minimum rental property standards of housing in the unincorporated area of Sedgwick County to prevent rental housing conditions that are injurious to the health, safety and welfare of all persons within Sedgwick County, Kansas, is in the best public interest; and

**WHEREAS**, the Board of County Commissioners is authorized and empowered to adopt such resolutions pursuant to K.S.A. 19-101 through 19-101f and amendments thereto; and

**WHEREAS**, the Board of County Commissioners has determined the need to amend the *Sedgwick County Code* by the adoption of this *Rental Housing Code*.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:**

**SECTION 1: RESERVATION OF SECTIONS**

Sections 6-405 to 6-425 in Article VIII of Chapter 6, are hereby reserved.

**SECTION 2: AMENDMENTS TO CHAPTER 6**

**Chapter 6 of the Sedgwick County Code is amended by the addition of the following article and shall read as follows:**

**ARTICLE IX. RENTAL HOUSING**

**Sec. 6-426. Title.**

This code shall be known as the “*Rental Housing Code*” and may be cited as such, and may also be referred to herein as “this Article.”

**Sec. 6-427. Purpose.**

The purpose of this code is to establish minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the use, occupancy, and maintenance of all residential buildings and structures within the unincorporated area of Sedgwick County that are not occupied by the owner thereof, and to provide for the uniform administration of said standards.

**Sec. 6-428. Scope.**

(a) The provisions of this Article shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, except owner occupied dwellings.

(b) Dwellings, Dwelling Units, Rooming Houses and Rooming Units shall comply with all the requirements of this Article.

**Sec. 6-430. Definitions.**

For the purpose of this Article, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words in the masculine gender include the feminine and the feminine the masculine. Whenever the terms “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” or “premises,” are used in this Article, they shall be construed as though they were followed by the words “or any part thereof.”

(a) “*Building Code*” means the Sedgwick County Building Code as currently enacted by Sedgwick County.

(b) “*Building Official*” means the official or other designated authority charged with the administration and enforcement of the Building Code, and that official’s designee(s). The terms “building official” and “department director” of the Department of Code Enforcement are synonymous.

(c) “*Dwelling*” means any building which is wholly or party used or intended to be used for living or sleeping by human occupants, that is not occupied by the owner thereof. This term shall include Dwelling Units, Rooming Houses, and Rooming Units, as defined herein.

(d) “*Dwelling Unit*” means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking and eating.

(e) “*Hot Water*” means hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

(f) “*Electrical Code*” means the Sedgwick County Electrical Code as currently enacted by Sedgwick County.

(g) “*Mechanical Code*” means the Sedgwick County Mechanical Code as currently enacted by Sedgwick County.

(h) “*Occupant*” means any person, over one year of age who is living, sleeping, cooking, or eating in, or having actual possession of, a dwelling, dwelling unit or rooming unit.

(i) “*Owner*” means any person, firm, or corporation, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the county as owner, employee, or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

(j) “*Person*” means any individual, firm, corporation, association or partnership.

(k) “*Plumbing*” means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer, gas or fuel lines.

(l) “*Plumbing Code*” means the Sedgwick County Plumbing Code as currently enacted by Sedgwick County.

(m) “*Rooming House*” means any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner or operator to any person who is not the husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

(n) “*Rooming Unit*” means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**Sec. 6-431. Refuse.**

Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage or disposal of refuse. In the case of a single or two (2) family dwelling, it shall be the responsibility of the occupant to furnish such facilities or refuse container, if not already provided by the owner.

**Sec. 6-432. Insects and rodents.**

Every dwelling must be free of visible evidence of insects and rodents upon every new occupancy, and extermination thereof shall be the responsibility of the owner. Every window and exterior door of every dwelling shall be reasonably weather-tight, lockable, and rodent-proof and shall be kept in good working condition and good repair.

**Sec. 6-433. Sanitary facilities.**

(a) *Dwellings.* Dwellings shall be provided with a bathroom or lavatory equipped with facilities consisting of a flush toilet, a washbowl or basin that is permanently installed with running water, and either a bathtub or shower. There shall be at least one flush toilet in good working condition for each dwelling unit, that shall be located within the dwelling and in a room which affords privacy.

(b) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory washbowl or basin, and bathtub or shower. All plumbing fixtures and sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

#### **Sec. 6-434. Mechanical requirements.**

(a) *Heating.* Every dwelling and every dwelling unit shall be so constructed, insulated, and maintained with heating equipment so that it is capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms, measured at a point 3 feet above the floor and at least 2 feet from exterior walls, at all times the outside temperature is below 60 degrees Fahrenheit. The chimney of the dwelling or dwelling unit shall be maintained in good order, and the owner of the approved heating equipment shall maintain it in good order and repair. All heating equipment shall be installed and maintained in a safe condition and in accordance with the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

(b) *Smoke Detectors.* Every dwelling, dwelling unit, rooming house, and rooming unit shall have smoke detectors mounted on the ceiling or wall in each sleeping area, or at a point centrally located in the corridor or area giving access to each separate sleeping area. Where sleeping rooms are in an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Detectors shall also be installed in basements of dwelling units having stairways which open from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located. Detectors may be battery operated or may receive their primary power from the building wiring, and shall be installed in accordance with the approved manufacturer's instructions.

#### **Sec. 6-435. Substandard dwellings.**

(a) *General.* Any dwelling, dwelling unit, rooming house, or rooming unit, or the premises on which the same is located, that contains inadequate sanitation, structural hazards, hazardous electrical wiring or equipment, or inadequate heating equipment, all as defined in this section, or that otherwise endangers life, limb, health, property, safety or the welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard dwellings for purposes of this Article. In determining whether a dwelling is substandard as provided in this Section, references shall be made to other appropriate Articles in Chapter 6 of this Code.

(b) *Inadequate Sanitation.* Dwellings, or portions thereof, shall be deemed substandard when they have inadequate sanitation, including but not limited to the following:

- (1) Lack of, or inadequate garbage and rubbish storage and removal facilities, and/or any violation of Section 6-431.
- (2) Infestation of insects, vermin or rodents, and/or any violation of Section 6-432.
- (3) Lack of, or inadequate bathroom, lavatory, flush toilet, washbowl or basin, bathtub or shower, or kitchen sink, and/or any violation of Section 6-433(a).
- (4) Lack of, or inadequate plumbing fixtures, or lack of connection to required sewage disposal system, and/or any violation of Section 6-433(b).

(c) *Structural Hazards.* Dwellings, or portions thereof, shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

- (1) Deteriorated or inadequate foundation.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials or deterioration.
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split or buckle due to defective materials or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

(d) *Hazardous Electrical Wiring or Equipment.* Dwellings, or portions thereof, shall be deemed substandard when they contain hazardous electrical wiring or equipment, including any electrical equipment, wiring or appliances that are not installed and/or maintained in good condition or a safe manner in accordance with the Electrical Code, and all applicable laws.

(e) *Inadequate Mechanical Equipment.* Dwellings, or portions thereof, shall be deemed substandard when they have inadequate mechanical equipment, including any violation of Section 6-434.

(f) *Violation.* It shall be unlawful for any person, firm, corporation or other entity to knowingly allow another person to occupy any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, that is a substandard dwelling as defined by this section. A violation of this section is a Class H violation as set forth in Chapter 8 of this Code, and shall be subject to prosecution as set forth therein.

#### **Sec. 6-436. Enforcement.**

(a) *Authority.* The building official is hereby authorized and directed to enforce all of the provisions of this Article. For such purposes, the building official shall have the powers of a law enforcement officer.

(b) *Right of Entry.* When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a dwelling a condition which is contrary to or in violation of this code which makes the dwelling substandard, the building official may enter the dwelling at reasonable times to inspect or to perform the duties imposed by this code, provided that if said dwelling is occupied that credentials be presented to the occupant and entry requested. If said dwelling is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the dwelling and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(c) *Uniform Complaint and Notice to Appear.* The building official and any “code enforcement officer(s),” as code enforcement officer is defined in K.S.A. 19-101d(b)(2), or law enforcement officer being duly authorized and having jurisdiction in the county, shall have the power to sign, issue and execute uniform complaint and notices to appear in county court, to any person violating any provision of this Article.

(d) *Responsibilities Defined.* Owners remain liable for violations of duties imposed by this code even though an owner may have, by agreement or otherwise, imposed on the occupant or tenant the duty of furnishing required equipment or of complying with this code.

#### **Sec. 6-437. Other remedies unaffected.**

Nothing in this Article shall be construed to limit or forbid the county or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this Article.

### **SECTION 3: PUBLICATION**

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper.

### **SECTION 4: EFFECTIVE DATE**

This resolution shall take effect upon its publication once in the official county newspaper.

Commissioners present and voting were:

BETSY GWIN  
TIM R. NORTON  
THOMAS G. WINTERS  
CAROLYN McGINN  
BEN SCIORTINO

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
BEN SCIORTINO, Chairman  
Fifth District

ATTEST:

\_\_\_\_\_  
BETSY GWIN, Chair Pro Tem  
First District

\_\_\_\_\_  
DON BRACE, County Clerk

\_\_\_\_\_  
TIM R. NORTON, Commissioner  
Second District

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS G. WINTERS, Commissioner  
Third District

\_\_\_\_\_  
AARON T. BLASE  
Assistant County Counselor

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CAROLYN McGINN, Commissioner  
Fourth District

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