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ORDINANCE NO. 44-967

AN ORDINANCE AMENDING SECTIONS 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.070, 20.04.080, AND 20.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO THE HOUSING CODE OF THE CITY OF WICHITA, KANSAS AND REPEALING THE ORIGINALS OF SAID SECTIONS

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

SECTION 1. Section 20.04.010 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

Whenever the words 'dwelling', 'dwelling unit', 'roominghouse', 'rooming unit', 'premises' are used in this chapter, they shall be construed as though they were followed by the words 'or any part thereof.'

- (1) 'Accessory structure' means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (2) 'Basement' means that portion of a dwelling between floor and ceiling which is partly below and partly above grade.
- (3) 'Building Code' means the City of Wichita Building Code.
- (4) 'City' means the City of Wichita, Kansas.
- (5) 'Deterioration' means the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

- (6) 'Dwelling' means any building, mobile home or manufactured home which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (7) 'Dwelling unit' means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating and part of which is exclusively or occasionally used for cooking.
- (8) 'Efficiency Dwelling Unit' is a dwelling unit containing only one habitable room and meeting the requirements of 20.04.060 (1)(a) of this code.
- (9) 'Electrical Code' means the City of Wichita Electrical Code as adopted by the City of Wichita.
- (10) 'Electrical Inspector' means a person employed by the City of Wichita, in the Office of Central Inspection, for the purpose of inspecting electrical installations.
- (11) 'Extermination' means the control and elimination of insects, rodents or other pests and termites by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and approved pest elimination method.
- (12) 'Fire Chief' means the Director of the Fire Department of the City or his/her authorized representative.
- (13) 'Good state of repair' means sound, stable, free of deterioration, and performing the function for which intended.
- (14) 'Good working condition' means the item is fully operable for the use for which it was intended.

- (15) 'Guardrail' means a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level.
- (16) 'Habitable room' means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet rooms, laundries, pantries, foyers, communicating corridors, closets, storage spaces and basement rooms used only for recreational purposes.
- (17) 'Handrail' means a railing provided for grasping with the hand for support.
- (18) 'Health officer' means the Director of the Wichita-Sedgwick County Department of Public Health or his/her authorized representative such as public health sanitarian or public health engineer or public health nurse.
- (19) 'Hotel.' See 'Roominghouse.'
- (20) 'Hot Water' means the water supply to plumbing fixtures heated to a temperature of not less than 110°F.
- (21) 'Infestation' means the presence, within a structure, of any insects, rodents or other pests which may be harmful to the health or safety of the occupants or the soundness of the structure.
- (22) 'Manufactured Home' means a structure consisting of one or more mobile components manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards Act generally known as the HUD Code established pursuant to 42 U.S.C. § 5403. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.
- (23) 'Mechanical Code' means the City of Wichita Air Conditioning Refrigeration and Warm Air Heating Code as adopted by the City of Wichita.

- (24) 'Mechanical Equipment' means gas-burning equipment and appliances.
- (25) 'Mobile home' for purposes of this chapter, means a moveable detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the National Manufactured Home Construction and Safety Standards Act, or HUD Code, and licensed and located in accordance with Chapter 26 of the Code of the City of Wichita.
- (26) 'Motel'. See 'Roominghouse.'
- (27) 'Occupant' means any person, with or without the knowledge or consent of the owner, who has actual possession of a dwelling unit or rooming unit and who is living, sleeping, cooking or eating within the dwelling unit or rooming unit.
- (28) 'Operator' means any person who has charge, care or control of a building, or part thereof, with or without the knowledge or consent of the owner, in which dwelling units or rooming units are let.
- (29) 'Owner' means any person who is a holder of any legal or equitable interest in the premises, and alone or jointly or severally with others,
- (A) Has record legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
  - (B) Has charge, care or control of any dwelling or dwelling unit and if the case permits, may include all persons who have an interest in a structure and any who are in possession or control thereof as owner or agent of the owner, contract purchaser, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner; or
  - (C) Collects rent for a dwelling unit on behalf of or in place of the owner.
- Any such person representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he/she were the

owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out.

- (30) 'Person,' as used in this chapter, means any individual, firm, association, joint stock company, syndicate, partnership, or other legal entity, or a natural person for the purposes of the occupancy standards hereof.
- (31) 'Plumbing' means and includes all of the following supplied facilities and equipment: gas pipes, water heaters, 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 or fuel lines, including water pipes and lines utilized in connection with air-conditioning equipment.
- (32) 'Plumbing Code' means the City of Wichita Plumbing and Gas Fitting Code as adopted by the City of Wichita.
- (33) 'Premises' shall mean a lot, plot or parcel of land including the dwellings and structures located thereon.
- (34) 'Roominghouse' means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is available and used, or intended to be used, by five or more persons, none of whom are the legal spouse, offspring, parent, or sibling of the owner or operator.
- (35) '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 no part of which is exclusively or occasionally used for cooking.
- (36) 'Safe and Sanitary' for purposes of this chapter shall mean free from conditions that are dangerous or could cause injury and free from elements such as filth or bacteria that endanger health.

- (37) 'Sewer Code' means the City of Wichita Sewer, Sewage Disposal and Drains Code as adopted by the City of Wichita.
- (38) 'Structurally Sound' means free of imperfections and/or deterioration which affect the intended use of a structure or the integrity of the footing, foundation, wall, roof, chimney, arch, window, door or porch/deck support systems.
- (39) 'Superintendent of Central Inspection' means the superintendent or person in charge of the Office of Central Inspection of the City or his/her authorized representative.
- (40) 'Supplied' means paid for, furnished or provided by or under the control of the owner or operator.
- (41) 'Temporary housing' means any tent, trailer or motor home used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system for up to thirty (30) consecutive days.
- (42) 'Workmanlike manner' means installation or repair which meets the minimum recommended installation and maintenance requirements of the product manufacturer and meets all applicable code requirements."

SECTION 2. Section 20.04.030 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Minimum standards for basic equipment and facilities.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain a kitchen sink;

- (2) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin. Such lavatory basin may be located outside the room containing the flush water closet provided it is convenient to such room and such location is approved by the Superintendent of Central Inspection or his/her designee.
- (3) Every dwelling unit shall contain a room, separate from the habitable rooms, which affords privacy to a person within such room and is equipped with a bathtub or shower;
- (4) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of paragraphs (1), (2) and (3) of this section shall be properly connected to both hot and cold water lines. The hot water lines shall be properly connected with supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of heating water to such a temperature as to permit an adequate amount of hot water to be drawn at every required kitchen sink, lavatory basin and bathtub or shower, even when the heating facilities required by this chapter (paragraph (5), Section 20.04.040 of this chapter) are not in operation;
- (5) All plumbing fixtures required by this section, or otherwise provided, shall be in good working condition and properly connected to a water system and to a sewerage system approved by the health officer;
- (6) Every dwelling unit shall be provided with adequate trash storage facilities whose type and location are approved by the health officer;
- (7) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, whose type and location are approved by the health officer;

- (8) Every dwelling unit shall have approved, safe, unobstructed direct means of egress leading to safe and open space at ground level, which is accessible to a public street or alley;
- (9) Every dwelling unit shall have cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table of sound construction furnished with surfaces that are easily cleanable and that will not import any toxic or deleterious effect to food, with a minimum counter top area of eleven square feet, provided that vinyl-type floor coverings shall not be allowed to be used as a countertop surface.
- (10) Every dwelling unit shall have a stove, or similar device, for cooking food and a refrigerator, or similar device, for safe storage of food at temperatures less than forty-five degrees Fahrenheit but more than thirty-two degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary conditions for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided;
- (11) Every dwelling unit shall have a suitable cabinet for storage of drugs, and a suitable facility for the safe storage of household poisons and other hazardous products;
- (12) Every dwelling unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front;



- (13) Every dwelling or dwelling unit shall be equipped with safe, functioning locking devices on all exterior doors and ground floor windows of the dwelling or dwelling unit;
- (14) All existing installations and/or repairs made to conform to this and all other applicable City Codes, must be installed in a workmanlike manner."

SECTION 3. Section 20.04.040 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Minimum standards for light, ventilation, electricity and heating.** No person shall occupy as owner-occupant or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every habitable room shall have at least one window facing directly to the outdoors with a minimum total window area, measured between stops, for every habitable room with an area of not less than one-twelfth of the floor area of such room; provided that the Superintendent of Central Inspection may accept less total window area if it can be reasonably demonstrated that adequate natural daylight illumination will be available, provided, further, that positive mechanical ventilation equal to eight changes of air per hour may be provided in lieu of such windows for kitchens in buildings two or more stories in height containing four or more dwelling units. Any window with an outside vertical light obstruction, located within three feet of and facing the window and extending above the window, shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area;

- (2) Every habitable room shall have at least one window which can easily be opened and such openable window space shall equal at least forty-five percent of the minimum window area required in paragraph (1), or; provided that positive mechanical ventilation or such other device as will adequately ventilate the room may be approved by the Superintendent of Central Inspection in lieu of such openable window;
- (3) Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms contained in paragraphs (1) and (2) of this section, except that no window shall be required in bathrooms and water closet rooms equipped with a ventilation system which is installed in accordance with the Building Code. An openable skylight, approved by the Superintendent of Central Inspection, may be used in lieu of a window in bathrooms and water closet rooms;
- (4) Every dwelling shall be connected to an electrical supply, provided by an electrical utility company. Every habitable room of any existing dwelling shall contain at least three separate wall type electric convenience duplex outlets or two such convenience duplex outlets and one ceiling electric light fixture.

**Exception:** This requirement may be reduced to at least two separate wall type electric convenience duplex outlets or one such convenience duplex outlet and one ceiling light fixture if the Superintendent of Central Inspection or his designee determines that the existing occupant load of the dwelling unit and/or the use or load of electric appliances, equipment, lights, and/or fixtures in any habitable room does not pose a safety problem or hazardous condition.

Every toilet room, bathroom, laundry room, furnace room, private and public hall shall contain at least one ceiling electric light fixture or wall-type electric light fixture. Every such outlet and fixture shall be properly installed and shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner;

- (a) The minimum capacity of the electrical service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the City of Wichita Electrical Code.
- (b) Where the determination is made by the Electrical Inspector, upon examination of the existing electrical service supply, that the electrical service supply is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, such as but not limited to, overloading of circuits, unsafe wiring or inadequate wiring, then such conditions shall be corrected by a Licensed Electrical Contractor of the City of Wichita in conformance to the City of Wichita Electrical Code.

Exemption: If the owner-occupant of a detached single-family dwelling desires to install any electrical installations on the load side of the service panelboard in the main structure or in the usual accessory buildings thereto, the owner occupant shall obtain an electrical permit as required by the City of Wichita Electrical Code, upon fulfillment of exam and plan review requirements as administered by the Electrical Section of the Office of Central Inspection. The owner obtaining said permit shall personally purchase all materials and shall personally perform all labor in connection with the permitted project. The owner shall call for all

inspections and otherwise be responsible to comply with all the applicable provisions of the City of Wichita Electrical Code.

- (c) Extension cords shall not be used as a substitute for the fixed wiring of a structure if such cord runs through holes in walls, ceilings, floors, doorways, windows, or similar openings, is attached to building surfaces, or is concealed behind building walls, ceilings, or floors.
- (d) Smoke Detectors: Every dwelling shall have smoke detectors installed in accordance with Section 15.02 of the Code of the City of Wichita, Kansas.
- (5) Every dwelling and dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet rooms located therein to a temperature of at least seventy degrees Fahrenheit. Such heating equipment shall be operated as reasonably necessary to allow maintenance of a temperature in all habitable rooms of seventy degrees Fahrenheit at a point 3 feet above the floor;
- (6) From April 1st to November 30th of each year, every door opening directly from a dwelling to outdoor space, used for ventilation, shall have a supplied screen door and a self-closing device; and every window or other direct opening to outdoor space from the dwelling, used for ventilation, shall likewise be supplied with screens; provided that screens shall not be required in windows or other openings above the third floor of any dwelling. All screens shall be adequate to exclude insects and of a type approved by the Superintendent of Central Inspection or his/her designee;
- (7) Every basement window used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a

screen or other such device as may be determined by the Superintendent of Central Inspection or the health officer to effectively prevent their entrance;

- (8) Every public hall and stairway in or leading into a multiple dwelling shall be adequately lighted at all times so as to provide in all parts thereof at least six foot candles of light at the tread or floor level by natural or artificial means. Every public hall and stairway in structures containing not more than two dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, or automatic lighting system, instead of full time lighting;
- (9) There shall not be any unvented or improperly vented space and/or room heaters in any dwelling unit. Space and/or room heaters shall be of a type listed for vented use, and shall be connected to a vent approved for use with such appliance. If such space and/or room heaters are equipped with a pilot light, it shall be an approved automatic safety type device. Vented freestanding space and/or room heaters shall be installed with provisions for supplying sufficient combustion air and with clearance from combustible material as listed on the appliance, and in compliance with the Mechanical Code;
- (10) Every residential structure shall contain ceiling insulation material that meets the requirements of Federal Specification HH-I-515C including a flame spread factor of fifty or less and that achieves a minimum rating factor of R-19 as approved by the Superintendent of Central Inspection. Any ceiling insulation material that is installed hereafter in an existing residential structure shall meet the requirements of Federal Specification HH-I-515C including a flame spread factor of fifty or less as approved by the Superintendent of Central Inspection, and shall, in addition, contain an R

rating factor label. The ceiling insulation material shall be installed in accordance with the manufacturer's specifications and in a manner that achieves a minimum rating factor of R-19. R shall be defined for purposes of this section as that term is defined by the American Society of Heating, Refrigeration and Air Conditioning;

- (11) All existing installations and/or repairs made to conform to this and all other applicable codes, must be installed in a workmanlike manner.”

SECTION 4. Section 20.04.050 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**“General requirements relating to the safe and sanitary maintenance of parts of dwellings and dwelling units.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Foundations - Every footing, foundation, foundation wall and foundation support shall be substantially weathertight, watertight, and rodentproof, and shall be maintained in structurally sound condition and good repair, free of cracks, and/or loose or missing mortar;
- (2) Structural supporting members - Supporting structural members are to be maintained in a structurally sound condition and in good repair, free of deterioration and rot, capable of bearing imposed live and dead loads in a safe manner;
- (3) Chimney and towers - All chimneys and towers shall be maintained in structurally sound condition and good repair, free of cracks and loose and/or missing mortar;

- (4) Exterior walls - All exterior walls and wall coverings shall be maintained in sound condition and good repair, free of deterioration and rot, substantially weathertight, watertight and rodentproof, and free of missing and/or loose mortar. New wall coverings shall be installed in a workmanlike manner using building materials recognized for that purpose in compliance with the Building Code;
- (5) Roof covering - Roofs shall have a covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability, shall be substantially weathertight and watertight, and shall conform to the requirements of the Building Code. Metal roofs showing signs of corrosion shall be painted with an approved product applied in accordance with the manufacturer's specifications or protected using materials recognized for that purpose. Gutters and downspouts, where in existence, shall be maintained in a good state of repair;
- (6) Soffits, fascias and exterior trim - All soffits, fascias and exterior trim shall be maintained in sound condition and good repair, substantially free of deterioration and rot. New soffits, fascias and exterior trim shall be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code;
- (7) Stairs, porches and appurtenances - Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in structurally sound condition and good repair; substantially free of deterioration and/or rot. Each stairway shall have uniform risers and treads, the greatest riser height within any

flight of stairs shall not exceed the smallest by more than ½ inch. No stair riser shall exceed nine (9) inches and no stair tread shall be less than eight (8) inches, provided that the tread is at least equal to the rise, and further provided that any new stair construction shall meet the requirements of the Building Code;

- (8) Handrails and Guardrails - Structurally sound handrails shall be provided, on at least one side, on any stairway having five or more risers. Stairways with open sides having any tread five feet or higher above adjacent grade shall have intermediate rails or ornamental closures on both sides of the stairs that will not allow passage of an object six (6) inches or more in diameter. Porches and/or balconies located more than five feet higher than the adjacent area shall have structurally sound protective guardrails at least 30 inches high and, if unenclosed, shall be protected as required for stairways with open sides. No ladders shall be permitted. New stairs, porches and appurtenances shall be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code;

- (9) Windows, doors and hatchways - Every window and exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be maintained in sound working condition, maintained without cracks or holes and in a good state of repair. All windows intended for ventilation must be equipped with fully operable hardware;

- (10) Floors, interior Walls, and ceilings - Every floor, interior wall and ceiling shall be maintained in sound condition and good repair, free of holes and cracks, and constructed of a building material recognized for that purpose;



- (11) Plumbing - Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstruction;
- (12) Utilities - Every supplied facility, piece of equipment, or utility shall be so constructed and installed that it will function safely and effectively and shall be maintained in satisfactory working condition, or it shall be removed, replaced and/or repaired in accordance with the applicable Codes;
- (13) Kitchen, water closet room and bathroom floors - Every kitchen floor surface and every water closet room floor surface and bathroom floor surface, except where constructed of materials impervious to moisture, shall be covered with asphalt, vinyl-plastic, rubber tile, ceramic tile, terrazzo or linoleum or other durable waterproof, nonabsorptive material and maintained so as to be reasonable impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. Existing carpet will be allowed provided that it has been maintained in a clean and sanitary manner;
- (14) Paint and/or Surface-coating - The exterior of all structures, including accessory buildings and fences, shall be protected from the elements by the application of paint or other approved protective material and shall be maintained in a good state of repair. All paint and other approved protective materials shall be applied in accordance with the manufacturer's specifications provided, however, wood of natural decay resistance, recognized as not needing finish, does not require surface coating provided one has never been applied;

- (15) Maintenance - All structures, accessory structures, appurtenances and fences shall be free of deterioration and maintained in a good state of repair and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property;
- (16) Mobile Homes - Mobile homes shall be properly blocked and anchored as provided in Chapter 26 and shall be solid skirted with an approved fire resistive material;
- (17) Sanitary Premises - No person, owner or operator shall occupy or let to any other occupant any vacant dwelling, dwelling unit or rooming unit unless it is clean, sanitary and fit for human occupancy and unless it complies with all provisions of this chapter;
- (18) Installations - All existing installations and/or repairs made to conform to this and all other applicable City Codes, must be installed in a workmanlike manner."

SECTION 5. Section 20.04.055 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Minimum requirements for maintaining vacant dwellings."** The owner or manager of any vacant dwelling, or part of a dwelling, shall maintain the premises in a secure, clean and sanitary manner, complying with the following standards:

- (1) Foundations - Every footing, foundation, foundation wall and foundation support shall be substantially weathertight, watertight, and rodent proof and shall be maintained in structurally sound condition and good repair free of cracks, and/or loose or missing mortar.

- (2) Every window and exterior door shall be reasonably weathertight, watertight, and rodent proof and shall be maintained in good repair or boarded up in accordance with the provisions contained in Section 20.04.055 (11).
- (3) Structural supporting members – Supporting structural members are to be maintained in structurally sound condition and good repair, free of deterioration and rot, capable of bearing imposed live and dead loads in a safe manner.
- (4) Chimneys and towers – All chimneys and towers shall be maintained in structurally sound condition and good repair, free of cracks and loose and/or missing mortar.
- (5) Exterior walls – All exterior walls and wall coverings shall be maintained in sound condition and good repair, free of deterioration and rot, substantially weathertight, watertight and rodent proof, and free of missing and/or loose mortar. New wall coverings shall be installed in a workmanlike manner using building materials recognized for that purpose in compliance with the Building Code.
- (6) Roof covering – Roofs shall have a covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability, shall be substantially weathertight and watertight and shall conform to the requirements of the Building Code. Metal roofs showing signs of corrosion shall be painted with an approved product applied in accordance with the manufacturer's specifications or protected using materials recognized for that purpose. Gutters and downspouts, where in existence, shall be maintained in a good state of repair.

- (7) Soffits, fascias and exterior trim – All soffits, fascias and exterior trim shall be maintained in sound condition and good repair, substantially free of deterioration and rot. New soffits, fascias and exterior trim shall be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code.
- (8) Stairs, porches and appurtenances – Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in sound condition and good repair, substantially free of deterioration and/or rot. Each stairway shall have uniform risers and treads the greatest riser height within any flight of stairs shall not exceed the smallest by more than ½ inch. No stair riser shall exceed nine (9) inches and no stair tread shall be less than eight (8) inches, provided that the tread is at least equal to the rise, and further provided that any new stair construction shall meet the requirements of the Building Code.
- (9) Handrails and Guardrails - Structurally sound handrails shall be provided, on at least one side, on any stairway having five or more risers. Stairways with open sides having any tread five feet or higher above adjacent grade shall have intermediate rails or ornamental closures which will not allow passage of an object six (6) inches or more in diameter. Porches and/or balconies located more than five feet higher than the adjacent area shall have structurally sound protective guardrails at least thirty inches high and, if unenclosed, shall be protected as required for stairways with open sides. No ladders shall be permitted. New stairs, porches and appurtenances shall

be installed in a workmanlike manner using materials recognized for that purpose in compliance with the Building Code.

- (10) Accessory Structures - Accessory structures shall be kept in sound condition and good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials, or the application of paint or other approved preservatives.
- (11) Vacant Structures - Every vacant residential building and accessory structure or vacant portion thereof shall be maintained in a secure condition to prevent entry by children, vagrants, or any unauthorized person. Buildings that are boarded at windows and/or doors shall be boarded with a minimum of 3/8" exterior grade plywood or equal, securely fastened to the window and/or door frames with nails and/or screws, and/or bolted in a manner approved by the Superintendent of Central Inspection or his designee. All plywood or equal products used to board windows and /or doors shall be protected from the elements by the application of paint or other approved protective material and shall be maintained in a good state of repair.
- (12) Paint and/or Surface-coating - The exterior of all structures, including accessory buildings and fences, shall be protected from the elements by the application of paint or other approved protective material and shall be maintained in a good state of repair. All paint and other approved protective materials shall be applied in accordance with the manufacturer's specifications provided; however, wood of natural decay resistance, recognized as not needing finish, does not require surface coating, providing one has never been applied.

(13) Sanitary Premises - The owner or operator of any vacant dwelling or dwellings shall maintain the premises in a clean and sanitary manner, free of junk, debris and stored material.

(14) Installations - All existing installations and/or repairs made to conform to this and all other applicable City Codes, must be installed in a workmanlike manner."

SECTION 6. Section 20.04.060 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Minimum space, use, etc., requirements.** No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(1) Except as set forth below, every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area;

(a) Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less

than 30 inches in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(2) Every room occupied for sleeping purposes shall contain at least seventy square feet of floor space for the first occupant, one hundred square feet for two occupants, and at least fifty square feet of floor space for each additional occupant thereof. Every egress or rescue window from a sleeping room must have a minimum net clear opening of 3.3 square feet with minimum net clear opening dimensions of 17 inches by 24 inches, and a minimum overall breakout area (including frame) of five (5) square feet.

(3) No basement space shall be used as a habitable room or dwelling unit unless it complies with the following requirements:

(a) The floor and walls are impervious to leakage of underground and runoff water and are free from dampness,

(b) The window area in each room is equal to the minimum window area required in Section 20.04.040(1) of this chapter and such required window area is located entirely above the grade of the ground adjoining such window area; provided, that window area below grade may be acceptable when the window well is so designed that a plane of forty-five degrees with the horizontal will not obstruct the window area; provided further that every basement room used for continual sleeping purposes which was constructed and designed for such continual sleeping purposes must have at least one (1) window or door which can be used for egress or rescue. Every egress

or rescue window from a sleeping room must have a minimum net clear opening of 3.3 square feet with minimum net clear opening dimensions of 17 inches by 24 inches, and a minimum overall breakout area (including frame) of five (5) square feet. Where windows are provided as a means of egress or rescue, they shall have a sill height of not more than 44 inches above either the floor or the highest tread of no more than two (2) permanently installed steps or a step and platform where the rise of each step does not exceed 8", with each step or platform having a minimum depth of 9" from the interior edge of the step or platform to the wall surface under the egress or rescue window, and a minimum width of 24". The above requirements must be determined to be readily achievable by the Superintendent of Central Inspection or his designee. Alternative egress window installations with respect to the minimum sill height requirement may also be requested in writing and approved in writing by the Superintendent of Central Inspection or his designee. Existing window wells which are not designed with horizontal dimensions which allow the window to be fully opened, will have to be re-constructed to comply with requirements of the Building Code.

- (c) The facilities for ventilation in each room are equal to at least the minimum as required under Section 20.04.040(2) of this chapter;
- (4) Every dwelling unit shall have at least four square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant.
- (5) All existing installations and/or repairs made to conform to this and all other applicable City Codes, must be installed in a workmanlike manner."



SECTION 7. Section 20.04.070 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**“Responsibility of owners and occupants generally.**

- (1) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (2) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he/she occupies and controls.
- (3) Every occupant of a dwelling unit shall dispose of all his/her trash in a clean and sanitary manner by placing it in the trash containers required by Section 20.04.030 (6) of this chapter.
- (4) Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and any other organic waste in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 20.04.030(7) of this chapter. If garbage disposal facilities are not provided, it shall be the responsibility of the owner to supply proper garbage storage containers for all dwelling units in a dwelling containing two or more dwelling units which are located on one premises. In all other cases, it shall be the responsibility of the occupant to furnish such containers.
- (5) Every owner of a dwelling shall be responsible for maintaining all accessory or minor structures on the premises in sound condition and good repair. The exterior of such structures shall be made weather resistant through the use of decay resistant materials, or the application of paint or other approved

preservatives. They shall be maintained in a clean and sanitary manner so as not to constitute a health or fire hazard. It shall be the responsibility of the owner to correct or remove such accessory buildings, if they constitute a nuisance because of one of the aforestated conditions.

- (6) Every owner of a dwelling or dwelling unit shall be responsible for supplying screens as required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto. Maintenance or replacement of screens once installed in any one season, becomes the responsibility of the occupant.
- (7) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (8) Every owner of a dwelling located on property where fencing has been constructed whether for purpose of utility to provide a physical barrier or of decorative screening for visual separation shall be responsible for maintaining such fence or screen in sound condition. Fencing and screening shall include, but not be limited to constructions of metal, wood, masonry or wire. Retaining walls, twelve inches or more in height, shall be maintained in sound condition.
- (9) The occupant of a single family dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, extermination thereof shall be the responsibility of the owner.

- (10) It shall be the responsibility of the owner to effectively correct any conditions of termite infestation. In cases of extreme visible damage to structural members of the dwelling, treatment must be done by a licensed and certified exterminator.
- (11) Every occupant of a dwelling unit shall be responsible for maintaining existing supplied smoke detectors in working condition, provided that if the smoke detector is hard wired, the electrical wiring shall remain the responsibility of the owner.
- (12) All existing installations and/or repairs made to conform to this and all other applicable City Codes, must be installed in a workmanlike manner."

SECTION 8. Section 20.04.080 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Roominghouses.** No person shall operate a roominghouse or shall occupy or let to another for occupancy any rooming unit any roominghouse, except in compliance with all the applicable provisions of this chapter and the following provisions:

- (1) There shall be supplied at least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water system and a sewerage system approved by the health officer and in a good working condition for each six persons, residing within a roominghouse, including members of the operator's family wherever they share the use of such facilities; provided that in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling so as to be reasonably accessible from a common hall or passageway to all

persons sharing such facilities. Every lavatory basin or bathtub or shower shall be supplied with hot water at all times.

- (2) The operator of every rooming house shall supply and change bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (3) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each additional occupant thereof.
- (4) Every rooming unit shall have approved, safe, unobstructed, direct means of egress leading to safe and open space at ground level which is accessible to a public street or alley.
- (5) The operator of every roominghouse shall be responsible for the maintenance of all parts of the roominghouse and the premises thereof in a clean and sanitary condition.
- (6) Every provision of this chapter which applies to rooming houses shall also apply to hotels and motels; provided that motel units containing cooking facilities or kitchens shall be deemed to be dwelling units and shall comply with the applicable provisions of this chapter."

SECTION 9. Section 20.04.110 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

**"Placarding dwellings, dwelling units, etc., in violation of chapter.**

In addition to giving notice of alleged violations as provided for in Sections 20.04.100 and 20.04.180 of this chapter, the Superintendent of Central Inspection may

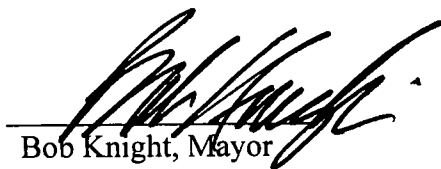
appropriately placard such dwellings, dwelling units and rooming units that have beendetermined to be in violation of any provisions of this chapter. The placard shall include but not be limited to a statement that the dwelling, dwelling unit ~~or~~ rooming unit is in violation of provisions of the Housing Code (Ordinance No.....) of the city. The Superintendent of Central Inspection shall remove such placard affixed under the provisions of this section. If the dwelling, dwelling unit or rooming unit is vacant at the time of placarding, it shall not be used for human habitation until the violations particularized in the notice have been corrected and written approval secured from and the placard removed by the Superintendent of Central Inspection.

- (1) It shall be unlawful for any person other than the Superintendent of Central Inspection or his authorized representative to remove the placard from a dwelling, dwelling unit or roominghouse or rooming unit."

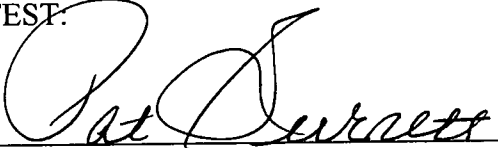
SECTION 10. The originals of Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.05.055, 20.04.060, 20.04.070, 20.04.080, and 20.04.110 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 11. This ordinance shall be included in the Code of the City of  
Wichita, Kansas, and shall be effective upon its passage and publication once in the  
official City newspaper.

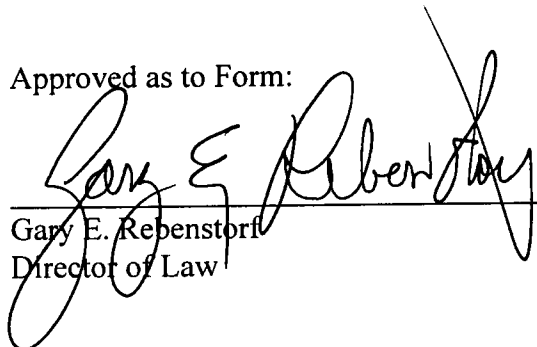
PASSED by the Governing Body of the City of Wichita, Kansas, this MAY - 8 2001

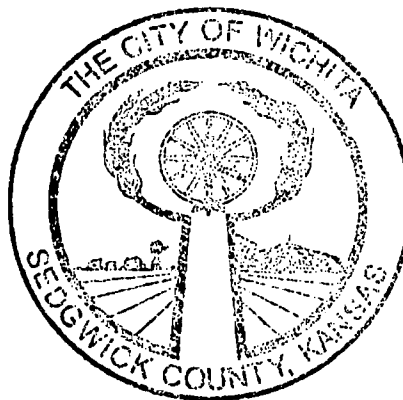
  
Bob Knight, Mayor

ATTEST:

  
Pat Burnett  
City Clerk

Approved as to Form:

  
Gary E. Rebenstorf  
Director of Law



# AFFIDAVIT

STATE OF KANSAS \  
- SS.  
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterrupted published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

1 consecutive issues - weeks, that the first publication of said notice was

made as aforesaid on the 12 day, of

May A.D. 2001, with

subsequent publications being made on the following dates:

And affiant further says that \_\_\_\_\_ she has personal knowledge of the statements above set forth and that they are true.

*[Signature]*

Subscribed and sworn to before me this

14 Day of May, 2001

*[Signature]*  
Notary Public Sedgwick County, Kansas

**NORMA J. HOCH**  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 8-12-02

My Appointment Expires August 12th, 2002

Printer's Fee \$ 693.60

## WICHITA EAGLE

Published in The Wichita Eagle  
May 12, 2001 (4137096) 1/4  
ORDINANCE NO. 44-967  
AN ORDINANCE AMENDING SECTIONS 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.070, 20.04.080, AND 20.04.110 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO THE HOUSING CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINALS OF SAID SECTIONS.  
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:  
SECTION 1. Section 20.04.010 of the Code of the City of Wichita, Kansas shall be amended to read as follows:  
Definitions: The following definitions shall apply in the interpretation and enforcement of this chapter:  
Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."  
(1) Accessory structure means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.  
(2) Basement means that portion of a dwelling between floor and ceiling which is partly below and partly above grade.  
(3) Building Code means the City of Wichita Building Code.  
(4) City means the City of Wichita, Kansas.  
(5) Deterioration means the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use of lack of maintenance.  
(6) Dwelling means any building, mobile home or manufactured home which is wholly or partly used or intended to be used for living or sleeping by human occupants.  
(7) Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities that are used or intended to be used for living, sleeping, cooking, eating and part of which is exclusively or occasionally used for cooking.  
(8) Efficiency Dwelling Unit is a dwelling unit containing only one habitable room and meeting the requirements of 20.04.060 (1) (a) of this code.  
(9) Electrical Code means the City of Wichita Electrical Code as adopted by the City of Wichita.  
(10) Electrical Inspector means a person employed by the City of Wichita, in the Office of Central Inspection, for the purpose of inspecting electrical installations.  
(11) Extermination means the control and elimination of insects, rodents or other pests and termites by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and approved pest elimination methods.  
(12) Fire Chief means the Director of the Fire Department of the City or his/her authorized representative.  
(13) Good state of repair means sound, stable, free of deterioration, and performing the function for which intended.  
(14) Good working condition means the item is fully operable for the use for which it was intended.  
(15) Guard rail means a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level.  
(16) Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet room, laundry, pantries, closets, communication corridors, closets, storage spaces and basement rooms used only for recreational purposes.  
(17) Hand rail means a railing provided for grasping with the hand for support.  
(18) Health Officer means the Director of the Wichita Sedgwick County Department of Public Health or his/her authorized representative such as public health sanitarian or public health engineer or public health nurse.  
(19) Hot Water means the water supply to plumbing fixtures heated to a temperature of not less than 110°F.  
(20) Infestation means the presence within a structure of any insects, rodents or other pests which may be harmful to the health or safety of the occupants or the soundness of the structure.  
(21) Manufactured Home means a structure consisting of one or more mobile components manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards Act, generally known as the HUD Code established pursuant to 42 U.S.C. § 5403. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.  
(22) Mechanical Code means the City of Wichita Air Conditioning, Refrigeration and Warm Air Heating codes adopted by the City of Wichita.  
(23) Mechanical Equipment means gas burning equipment and appliances.  
(24) Mobile home for purposes of this chapter means a movable detached single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the National Manufactured Home Construction and Safety Standards Act or HUD Code, and is licensed and located in accordance with Chapter 26 of the Code of the City of Wichita.  
(25) Motel See Rooming house.  
(26) Occupant means any persons, with or without the knowledge or consent of the owner, who has actual possession of a dwelling unit or rooming unit and who is living, sleeping, cooking or eating within the dwelling unit or rooming unit.  
(27) Operator means any person who has charge, care or control of a building, or part thereof, with or without the knowledge or consent of the owner, in which dwelling units or rooming units are let.

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