

(Published in the Topeka Metro News December 22, 2025)

ORDINANCE NO. 20625

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, adopting the 2024 International Property Maintenance Code and local amendments, amending § 8.60.010, § 8.60.020, § 8.60.060 through § 8.60.130, § 8.60.150 and § 8.60.190 of the Topeka Municipal Code and repealing original sections, renumbering some sections and adding § 8.60.200 § 8.60.210 and § 8.60.220 to the Topeka Municipal Code.

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

Section 1. That section 8.60.010, International Property Maintenance Code – Adopted, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

International Property Maintenance Code – Adopted.

The International Property Maintenance Code and Commentary, including all appendices ~~the guideline standards in Appendix A and excluding Appendix B, 2012~~ 2024 Edition, as published by the International Code Council and amended by this chapter (IPMC), is hereby ~~adopted~~ incorporated by reference as the property maintenance code of the City of Topeka to address the public health, safety, and welfare relative to the use and maintenance of existing structures and premises save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed.

Section 2. That section 8.60.020, International Property Maintenance Code – On file in Clerk’s office, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

International Property Maintenance Code – On file in Clerk’s office.

At least one official copy of the International Property Maintenance Code, as amended with all sections or portions thereof intended to be omitted or changed clearly

marked to show any such omission or change and to which a copy of this ordinance if attached, shall be on file with the City Clerk to be available for inspection by the public during business hours.

Section 3. That section 8.60.050, Section 102-Applicability, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.060.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.60.050, which said section reads as follows:

Section 101 – Scope and General Requirements.

Section 101.1, Title, is deleted and the following provisions shall be substituted therefor:

These regulations shall be known as the Topeka Property Maintenance Code 2024, hereinafter referred to as “this code.”

Section 5. That section 8.60.060, Section 103 – Department of Property Maintenance inspection, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.070 and amended to read as follows:

Section 103 – Department of Property Maintenance inspection Code Compliance Agency.

Section 103, Code Compliance Agency is deleted in its entirety.

Section 6. That section 8.60.110, Section 111 – Hearing, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.080 and amended to read as follows:

Section 111.106 – Hearing.

~~Sections 111.1 through 111.8 are~~ 106, Means of Appeals, is deleted in ~~their~~ its ~~entireties~~ entirety and the following provisions shall be substituted therefor:

Section ~~144.4~~106, Administrative Appeal Hearing

(a) An owner shall have the right to appeal the notice of violation to an Administrative Hearing Officer provided that a written application is submitted to the Code Official on or before the date designated in the notice.

(b) An application for an appeal hearing shall be based on a claim that (i) the provisions of Chapter 8.60 do not apply; (ii) the Code Official has incorrectly interpreted Chapter 8.60; and/or (iii) the requirements of Chapter 8.60 can be adequately satisfied by other means. The owner may not appeal a requirement imposed by Chapter 8.60. The intent of the appeal process is not to waive or set aside a requirement; it is to provide a means of reviewing a Code Official's decision on an interpretation or application of Chapter 8.60 or reviewing a Code Official's decision to approve or reject the equivalency of protection to a Chapter 8.60 requirement.

(c) Written notice of the hearing date and time shall be provided to the person requesting the hearing within 10 calendar days of the hearing request.

(d) The Administrative Hearing Officer shall affirm, modify or reverse the decision of the Code Official upon a determination that: (i) the notice of violation was served in accordance with TMC ~~8.60.080~~8.60.110, subsection ~~407.3~~109.4.2; (ii) the provisions of Chapter 8.60 apply; (iii) the Code Official has correctly interpreted Chapter 8.60; and/or (iv) the requirements of Chapter 8.60 cannot be adequately satisfied by other means. The Hearing Officer may order abatement of the violation, impose an administrative penalty, and assess the abatement costs against the owner.

(e) The Administrative Hearing Officer may administer oaths and affirmations, examine witnesses and receive evidence. The Hearing Officer may grant continuances where the officer finds that there is practical difficulty or undue hardship and that such

extension is consonant with the general purpose to secure compliance with Chapter 8.60.

(f) Pursuant to K.S.A. 60-2101 and amendments thereto, any person aggrieved by a determination issued by the administrative hearing officer may appeal to the district court by doing all of the following:

(1) Submit a written notice of appeal to the City Clerk within 30 days of the determination. The notice shall include: (i) the person's name, mailing address, email address and telephone number; (ii) the date of the order; and (iii) case number. The City Clerk shall memorialize the date of receipt of the notice by file-stamp or another method and return a copy to the person.

(2) Submit a written request to the City Clerk for one copy of all pertinent records relative to the proceeding including but not limited to any recording or transcript of the proceedings. The request shall be submitted to the City Clerk within 10 days of the date of receipt of the notice of appeal. Prepayment of all copying and other fees set forth in TMC 2.10.120 shall be required prior to production of the records.

(3) File with the Clerk of the Shawnee County District Court the pertinent records prepared by the City Clerk within 60 days from the date of receipt of the notice of appeal.

(4) Failure to file the records with the Clerk of the Shawnee County District Court within the 60 day period may result in the appeal being dismissed by the district court.

(5) Unless the person requests from the district court a stay of the hearing officer's order within 70 days from the date of receipt of the notice of appeal, the City may proceed with enforcement.

Section 7. That section 8.60.070, Section 106 – Violations, abatements, fees, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.090 and amended to read as follows:

Section 106~~7~~ – Violations, ~~abatements, fees.~~

Section 106~~7~~.3, Prosecution of violation, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) A person who fails to comply with a notice of violation served in accordance with Section 407~~109~~.4, shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with subsection (b). A violation of this chapter shall be deemed a strict liability offense. Abatement of a violation by the Code Official shall not be a defense or excuse to a violation. The pendency of an administrative hearing pursuant to section 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution and adjudication in Municipal Court.

(b) Punishment for a violation of the International Property Maintenance Code (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.

Section 1067.4, Violation penalties, is deleted in its entirety and the following provisions shall be substituted therefor:

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 ~~42~~36 months of the same or substantially same violation shall be \$200.00.

Section ~~106~~7.5, 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
Vegetation	\$140.00
Inoperative vehicles	\$175.00

Section 8. That section 8.60.120, Section 112 – Stop work order, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.100 and amended to read as follows:

Section ~~112~~108 – Stop work order.

Section ~~442~~108.4, Failure to comply, is deleted in its entirety and the following provisions shall be substituted therefor:

It is unlawful to continue any work after being served with a stop work order, unless the work is to remove a violation or abate an unsafe condition. The person may be punished in accordance with TMC 1.10.070.

Section 9. That section 8.60.080, Section 107 – Notices, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.110 and amended to read as follows:

Section 107~~9~~ – NoticesUnsafe structures and equipment.

Section ~~407.2~~109.4.1, Form, is deleted in its entirety and the following provisions shall be substituted therefor:

The notice prescribed in Section ~~407.4~~109.4.1 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.
5. A statement that if the violations(s) is not corrected or a hearing requested, the

City may impose administrative penalties, abate the violation, and assess the costs against the owner.

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

~~Section 407.3109.4.2~~, 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 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 10. That section 8.60.090, Section 109 – Emergency measures, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.120 and amended to read as follows:

Section ~~409~~110 – Emergency measures.

Section ~~409~~110.5, Costs of emergency repair, is deleted in its entirety.

Section ~~409~~110.6, Hearing, is deleted in its entirety.

Section 11. That section 8.60.100, Section 110 – Demolition, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.130 and amended to read as follows:

Section ~~440~~111 – Demolition.

Section ~~440~~111.1, General, is ~~hereby~~ deleted in its entirety and the following provisions shall be substituted therefor:

Pursuant to TMC 8.75.040, the Administrative Hearing Officer may order the owner of any premises upon which is located any structure, which after review is determined to be so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, such that it is unreasonable to repair the structure, to: (1) demolish and remove such structure; or (2) if such structure is capable of being made safe by repairs, to repair and make safe and sanitary; or (3) to board up and hold for future repair; or (4) where there has been a cessation of normal construction of any structure for a period of more than two years, demolition and removal or boarding up for future repair. Boarding the structure up for future repair shall not extend beyond one year, unless approved by the Administrative Hearing Officer.

“Unreasonable to repair” means that the repair costs exceed 30% of the replacement value of the structure as established by the Shawnee County Appraiser.

Section ~~440~~111.2, Notices and orders, is deleted in its entirety and the following provision shall be substituted therefor:

All notices and orders shall comply with TMC 8.75.020 and 8.75.040.

Section 12. That section 8.60.130, Section 202 – General definitions, of The

Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.140 and amended to read as follows:

Section 202 – General definitions.

The definition of “Rubbish” as set forth in Section 202 is deleted in its entirety and the following provisions shall be substituted therefor:

Combustible and noncombustible waste materials, except garbage. The term shall include but not be limited to: trash, junk, metal objects, plumbing fixtures, appliances, appliance parts, auto parts, bicycle parts, inoperable lawn equipment, lawn equipment parts, tires, fencing, lumber, construction waste, interior furniture, discarded or broken furniture, clothing, paper, rags, cartons, boxes, wood timber, excelsior, rubber, leather, tree branches, yard trimmings waste, tin cans, glass, crockery, unsecured bins or the accumulation of any other similar materials.

The definition of “Tenant” as set forth in Section 202 is deleted in its entirety and the following provisions shall be substituted therefor:

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. When the occupant is not the owner, the occupant shall be considered a Tenant only when occupancy is with the permission of the owner.

Section 13. That section 8.60.140, Section 302 – Exterior Property Areas, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.150.

Section 14. That section 8.60.150, Section 304 – Exterior structure, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.160 and amended to read as follows:

Section 304 – Exterior structure.

Section 304.14, Insect screens, is deleted in its entirety and the following provisions shall be substituted therefor:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 304.17, Guards for basement windows, is deleted in its entirety.

Section 15. That section 8.60.160, Section 308 – Rubbish and garbage, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.170.

Section 16. That section 8.60.170, Section 309 – Pest elimination, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.180.

Section 17. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.60.190, which said section reads as follows:

Section 311 – Storm Shelters.

Section 311 – Storm Shelters is deleted in its entirety.

Section 18. That the Code of the City of Topeka, Kansas is hereby amended by adding a section, to be numbered 8.60.200, which said section reads as follows:

Section 404 – Occupancy Limitations.

Section 404.4.1, Room Area, is deleted in its entirety and the following provisions shall be substituted therefor:

Maximum Occupancy.

The maximum occupancy of any dwelling unit shall not exceed the following

requirements:

(1) For the first occupant, one hundred fifty (150) square feet of floor space, and at least one hundred (100) square feet of floor space for every additional occupant thereafter. The floor space shall be calculated on the basis of total habitable room area.

(2) The total number of persons shall not exceed two (2) times the number of its habitable rooms.

Section 404.5, Overcrowding is deleted in its entirety.

Section 19. That section 8.60.180, Section 602 – Heating facilities, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.210.

Section 20. That section 8.60.190, Section 605 – Electrical equipment, of The Code of the City of Topeka, Kansas, is hereby renumbered as 8.60.220 and amended to read as follows:

Section 605 – Electrical equipment.

Section 605.2, Receptacles, is deleted in its entirety and the following provisions shall be substituted therefor:

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All kitchen countertop receptacles and all bathroom receptacles are required to be a receptacle with a ground fault circuit interrupter. All receptacle outlets shall have the appropriate faceplate cover for that location.

Section 605.4, Wiring, is deleted in its entirety and the following provisions shall be substituted therefor:

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed under carpets, within walls, floors, or ceilings.

Section 21. That original § 8.60.010, § 8.60.020, § 8.60.060 through § 8.60.130, § 8.60.150 and § 8.60.190 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 22. This ordinance shall take effect and be in force 90 days after its passage, approval and publication in the official City newspaper.

Section 23. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 24. 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 Governing Body on December 16, 2025.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk