

(Summary First Published in the Times-Sentinel
on the ____ day of June, 2019.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 919

AN ORDINANCE ESTABLISHING CERTIFICATES OF OCCUPANCY AND HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS, PROVIDING FOR THE ENFORCEMENT THEREOF AND REPEALING ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CHENEY, KANSAS.

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

Section 1. Certificates of Occupancy and Habitation

Upon the passage of this Ordinance, Certificates of Occupancy and Habitation shall be deemed issued and in effect for all existing buildings and structures within the corporate limits of the City of Cheney, Kansas. Subsequent to the passage of this Ordinance, Certificates of Occupancy and Habitation shall be deemed issued and in effect for all existing buildings and structures annexed into the corporate limits of the City of Cheney, Kansas.

No new building or structure shall be occupied or no change in the character or use of land or of a building shall occur, without a valid Certificate of Occupancy and Habitation issued by the City certifying that such building or use is in compliance with the provisions of this Ordinance and all other applicable city regulations, codes and ordinances, including structure location and foundation and pad elevations contained in any applicable PUD document or on the face of any applicable plat. A Certificate of Occupancy and Habitation shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name of the owner.
4. A statement that the Certificate of Occupancy and Habitation is subject to on-going compliance with the various ordinances of the City of Cheney, Kansas regulating building use and habitability.

A Certificate of Occupancy and Habitation may be withdrawn in writing by the City Clerk if a building, structure or use is found in noncompliance with the provisions of this Ordinance or any other applicable city regulation, code or ordinance.

Notice of the withdrawal of a Certificate of Occupancy and Habitation shall be given to all owners and occupants of said building or other structure by posting a copy of the written withdrawal of said Certificate of Occupancy and Habitation on the front door of said building or other structure and mailing a copy of said written notice to the person(s) or entity listed as receiving utility services at said building or other structure from the City of Cheney. Said written notice shall also contain the appeal provisions provided within this Ordinance.

Section 2. Appeal

Withdrawal of a Certificate of Occupancy may be appealed in writing to the City Administrator of Cheney, Kansas within five (5) days of the posting of a copy of the written withdrawal of said Certificate of Occupancy and Habitation on the front door of such building or other structure and mailing a copy of such written notice to the person(s) or entity listed as receiving utility services at said building or other structure from the City of Cheney.

The appeal must be in the form of a written request, setting forth the grounds for the appeal and the mailing address of the person(s) or entity making the appeal, which shall be filed with the City Clerk.

The City Clerk shall schedule the appeal hearing to take place during the next ten (10) days, before the City Administrator. Written notice of the appeal hearing shall be given to the appellant by mailing the same to the address provided in the written request.

Unless otherwise noted by the City Administrator, the withdrawal of a Certificate of Occupancy and Habitation shall remain in effect during the pendency of the appeal.

The decision of the City Administrator on the appeal shall be final and in writing.

Section 3. Unlawful Acts

Except to construct, inspect, repair or demolish, it is unlawful for any person to enter, remain within or otherwise occupy any building or structure for which a Certificate of Occupancy and Habitation has not been issued or has been withdrawn. It is further unlawful for the parent, guardian or other person having the care and custody of a minor under the age of eighteen years to permit said minor to enter, remain within or otherwise occupy any building or structure for which a Certificate of Occupancy and Habitation has not been issued or has been withdrawn.

Section 4. Penalty

Any person violating Section 3 of this Ordinance, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months or both such fine and imprisonment. Each day that any such violation continues shall constitute a separate offense. Criminal prosecution shall be conducted within the City's municipal court.

Section 5. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 6. Effective Date

This ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 13th day of June, 2019.

Approved by the Mayor this 13th day of June, 2019.

MAYOR, LINDA BALL

SEAL

ATTEST:

CITY CLERK, DANIELLE YOUNG