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## Chapter 635

# Rental Dwellings

Editor's Note — Ord. no. 1225 §2, adopted December 13, 2006, superseded ch. 635 and enacted new provisions set out herein. Former ch. 635 derived from ord. no. 953 §1, 10-22-97; CC 2000 §§4-1801 — 4-1818; ord. no. 987 §4(4-1806), 1-12-00.

### Section 635.010 Statement of Purpose.

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

- A. The purpose of this Chapter is to protect the public health, safety and general welfare of the residents of Mission in rental dwellings. The object of this Chapter is to:
1. Protect the character and stability of residential areas;
  2. Correct and prevent housing conditions that adversely affect the safety, health and welfare of residents of rental properties;
  3. To enforce minimum standards for heating, sanitary equipment, light and ventilation necessary for health and safety;
  4. To preserve the value of land and buildings throughout the City;
  5. To prevent the overcrowding of dwellings by enforcing minimum standards per occupant for each dwelling unit;
  6. To enforce minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight;
  7. To protect the public from increased criminal activity that tends to occur in residential areas that are unstable due to dwellings that are blighted or substandard; and
  8. To provide a mechanism for enforcement and the administration of the City Code and ordinances to insure that the above purposes are accomplished.

It is not the intention of the Council to intrude upon contractual relationships between tenant and landlords. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to hear complaints by landlord or tenant that do not clearly relate to the provisions of this Chapter.

### Section 635.020 Applicability.

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

The provisions of this Chapter shall apply to all ~~rental~~ dwellings and dwelling units offered for rent or occupancy, including ~~rented~~ single-family dwellings, multi-family dwellings and ~~rented~~ dwelling units in owner-occupied dwellings. The provisions of this Chapter shall not apply to dwellings and dwelling units occupied by the owner, and/or the owner's parents, wife or husband, children, brothers, or sisters immediate family (whether that relationship is by blood, marriage, or adoption). Furthermore, The

provisions of this Chapter shall not apply to hotels and motels licensed by the State of Kansas, convents, monasteries, parish houses or rectories, mosques, temples, synagogues, hospitals, nursing homes, jails and residential dwelling units owned and operated by any housing authority of the City.

Section 635.030 **License Requirement.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

No person shall allow to be occupied or rent to another for occupancy any dwelling or dwelling unit unless the owner has first obtained a license under the terms of this Chapter. This applies to people who allow to be occupied or rent to another for occupancy at the time this Chapter is implemented. Failure to obtain a required license shall be unlawful. Each day that a person fails to have a license as required by this Section shall constitute a separate offense. Upon conviction, a person may be fined up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both.

Section 635.040 **Definitions.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

As used in this Chapter, the following terms shall have these prescribed meanings:

**APARTMENT BUILDING**

A building or structure containing four (4) or more ~~than six (6)~~ rental dwelling units.

~~**DEPARTMENT**~~

~~The Neighborhood Services Department.~~

~~**DIRECTOR**~~

~~The Neighborhood Services Coordinator.~~

**DWELLING**

A building or structure, or portion of a building or structure, designed for or used for human habitation.

**DWELLING UNIT** ~~OR UNIT~~

Any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and/or sleeping facilities.

~~**INSPECTOR**~~

~~The City-appointed official known as the Housing Inspector or other designated person.~~

**IMMEDIATE FAMILY**

One's spouse, child or adopted child, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, or grandparent-in-law, grandchild, or any natural or adopted child or grandchild of one's spouse.

**LAWFUL OCCUPANT**

The occupant(s) of a dwelling or dwelling unit; or the owner of such that is unoccupied.

**MANAGER**

Any person who, alone or jointly or severally with others, does any of the following: shows rental dwelling units to prospective tenants; ~~and/or~~ enters lease agreements on the owner's behalf ~~and/or~~; receives rent from tenants; and / or otherwise supervises the maintenance or management of the premises.

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~~NEW CONSTRUCTED DWELLINGS~~

~~A dwelling constructed after 1994. This measurement may be determined from the date of the certificate of occupancy issued by Codes Administration upon completion of construction.~~

**OCCUPANT**

Any person(s) living, sleeping, cooking, ~~or~~ eating or actually having possession or control of a dwelling or dwelling unit ~~or a rooming unit~~.

OCCUPANCY

The act of living, sleeping, cooking, eating or actually having possession or control of a dwelling or dwelling unit.

**OWNER**

Any person who, alone or jointly or severally with others:

1. Has legal title to any building with or without accompanying actual possession thereof; or
2. Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
3. Has possession or right to possession under a contract for deed.

**PERSON**

Any individual, firm, corporation, association, partnership, cooperative or governmental agency.

**PREMISES**

The building(s) in which the rental dwelling unit(s) is located and all land appurtenant to such building(s) on a single parcel.

~~PUBLIC OFFICER~~

~~The Housing Inspector.~~

**REGISTERED AGENT**

The person designated by the owner to be the agent required by Section 635.060(1) of this Code.

RENT

To provide or to offer for possession or occupancy a dwelling or dwelling unit to a tenant for consideration, pursuant to a written, oral, or implied agreement.

RENTAL DWELLING

A dwelling or dwelling unit(s) designed for or used for human habitation and offered to a non-owner or third-party for rent and/or occupancy.

RENTAL DWELLING LICENSE

A license issued by the City permitting a dwelling or dwelling unit to be rented and/or occupied by persons other than the owner and the owner's immediate family (as related by blood, marriage, or adoption) subject to the terms of this Chapter.

~~ROOMING HOUSE~~

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~~Any building or portion thereof containing not more than three (3) sleeping rooms that are used by not more than three (3) occupants where rent is paid in money, goods, labor or otherwise.~~

**ROOMING UNIT**

~~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 purposes.~~

**SUBSTANDARD**

~~As set forth defined in Section 635.1420.~~

**TENANT**

~~**Any person who occupies a dwelling or dwelling unit, other than the owner, the owner's immediate family (as related by blood, marriage, or adoption), or any person residing with the owner.**~~

**UNIT**

~~Any dwelling unit or rooming unit.~~

Section 635.050 **What The License Covers.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. One (1) rental dwelling license shall be issued for each building-premises with one or more rental dwelling units and shall be deemed to cover all such dwelling units under common ownership on the premises.
- B. The City shall have authority to exercise its licensing powers under this Chapter including the power to issue, renew, deny, revoke and suspend a rental dwelling license with respect to an entire building-premises or only a specific dwelling unit(s) found to be in violation of this Code.

Section 635.060 **Application For Rental Dwelling License.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. The owner of each rental dwelling shall make written application to the City for a rental dwelling license to carry on the business of renting residential dwellings. In addition, the owner of such rental dwelling(s) constructed or converted to rental usage shall make written application to the City for a rental dwelling license as herein provided prior to initial occupancy. Such application, including application for a provisional license, shall be made on a form furnished by the ~~Neighborhood Services Department-City~~ for such purpose and shall set forth the following information:
  - 1. Owner's name, address, telephone number and date of birth. If the owner is a partnership, the name of the partnership and the name, residence address, telephone number and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation and the name, residence address, telephone number and date of birth of the chief operating officer. A post office box is not acceptable as a mailing address for any such person.
  - 2. In cases where the owner of a rental dwelling resides outside of Johnson County, the owner shall designate a ~~resident-Registered a~~Agent who shall reside within the limits of Johnson County. That registered agent's name, address and telephone number must be included on the application. A post office box is not acceptable as a mailing address for a Registered Agent. -The registered agent shall be jointly and severally responsible with the owner for:
    - a. The upkeep and maintenance of the premises;
    - b. Compliance with this Chapter and all other Codes regulating the premises; and
    - c. Acceptance, service or process of all notices under this Chapter.

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2. Manager's name, address, telephone number and date of birth. If some natural person other than the owner, ~~manager~~ or ~~Registered a~~ Agent is actively involved in and responsible for the maintenance and management of the premises, that person's name, address, telephone number and date of birth must be given in the application. A post office box is not acceptable as a mailing for any person.

~~3. Agent's name, address and telephone number.~~

4. Address identifying location of the rental dwelling.

5. Number and type of rental dwelling units in any building(s) ~~(dwelling units, rooming units or shared bath units).~~

6. Year of construction of the building(s).

No application shall be considered without payment of the fee prescribed by Section **635.230**.

Section 635.070 **Expiration — Renewal.**

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

All rental dwelling licenses issued under this Chapter shall be renewed by January first (1st) of each year and shall be subject to renewal year to year as described in this Chapter. All licensees shall apply for renewal on a form provided by the ~~Neighborhood Services Department~~City. The renewal application may be abbreviated as deemed sufficient by the ~~Neighborhood Services Coordinator~~City. No renewal shall be granted without payment of the required annual license fee.

Section 635.080 **Licensing Standards.**

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

A. The following standards and conditions shall be met in order to hold a rental dwelling license under this Chapter:

1. The licensee or applicant shall have paid the required license fee;

2. The licensee ~~of~~ applicant shall have paid any and all required inspection and re-inspection fees;

3. If the licensee is a business entity required to register with the Secretary of State, then such entity shall be and remain in good standing with the Kansas Secretary of State.

~~4.~~ The rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning;

~~45.~~ No rental dwelling or unit shall be over occupied or illegally occupied in violation of Title IV or Title V of this Code;

~~56.~~ The rental dwelling shall not be under a condemnation as hazardous or unfit for human habitation under this Code or a State Statute;

~~6.~~ The rental dwelling shall not be maintained in a substandard condition, as set forth defined in Section 635.120;

7. The owner shall not suffer or allow weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition; and

8. Rental dwellings shall remain in compliance with any and all other applicable City Codes/Buildings Codes.

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Section 635.090 ~~Identifying Guidelines~~ **Periodic Inspections of Apartment Buildings**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

~~The Inspectors of the~~ City shall be empowered to periodically inspect the interior and exterior of apartment buildings within the City to ensure compliance with this Chapter and other applicable Chapters, as set forth in Section 635.010. The City shall endeavor to inspect at least five percent (5%) of units in each apartment building annually, provided that a minimum of one (1) unit shall be inspected annually in each apartment building. The selection of individual units to be inspected shall be by the City pursuant to its policies.

The ~~Inspector~~City shall provide reasonable prior notice and obtain the signed consent of the lawful occupant prior to performing a periodic interior inspection. The lawful occupant of a rental unit shall have the right to refuse entry for a periodic interior inspection pursuant to K.S.A. ~~Supp.~~ 12-16,138 ~~et seq.~~ If entry is refused, the ~~City~~Inspector may request to enter and inspect a substitute unit within the same building or property. The ~~City~~Inspector shall not seek an administrative search warrant or exercise other lawful means to enter a property solely for refusing a periodic interior inspection, but may otherwise seek ~~to do~~ entry for cause as set forth in Section 635.140.

~~The City~~inspector shall provide reasonable prior notice prior to performing a periodic exterior inspection. If entry is refused to perform the inspection, the ~~City~~Inspector shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.

~~A.~~ The Neighborhood Services Department shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this Chapter. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors in addition to any other factors deemed by the Neighborhood Services Coordinator to promote an efficient inspections program:

- ~~1.~~ Property identified by the inspections department as having an excessive number of housing code violations or a history of non-compliance or slow compliance with code enforcement standards;
- ~~2.~~ Rental dwellings for which no license or provisional license has been applied;
- ~~3.~~ Rental dwellings with an excessive number of Police calls for drug offenses, crimes of force, violence or disorderly conduct;
- ~~4.~~ Rental dwellings with delinquent property taxes;
- ~~5.~~ Geographic distribution and concentration of rental dwellings; and
- ~~6.~~ Sale of the equitable interest in a rental dwelling property.

The Housing Inspector or his/her designated agent may conduct interior inspections of any rental dwelling that has received three (3) or more exterior maintenance code violation notices during the annual rental licensing period. Exterior maintenance violations will be defined as violations of the City's adopted International Property Maintenance Code. In the event that the rental dwelling to be inspected is occupied, the Neighborhood Services Department shall obtain the occupant's written consent prior to the Inspector's entry into or upon such dwelling; provided, however, that nothing herein contained shall be construed to prohibit an inspection of any dwelling by the Housing Inspector or his/her designated agent when any such inspection is requested by the tenant or occupant of the dwelling or unit.

**Section 635.100 Periodic Inspections of Non-Apartment Buildings**

The City shall be empowered to periodically inspect the interior and exterior of non-apartment buildings (rental dwellings with three or fewer rental dwelling units, including single-family rental dwellings)

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within the City to ensure compliance with this Chapter and other applicable Chapters, as set forth in Section 635.010. The City shall endeavor to inspect dwelling units in non-apartment buildings on a rotating three (3) year cycle that is determine by the City pursuant to its policies. Inspections may be performed at the time of change of occupancy, if such change occurs prior to the three-year inspection cycle. In such cases, the cycle will reset at the time the inspection occurs.

The City shall provide reasonable prior notice and obtain the signed consent of the lawful occupant prior to performing a periodic interior inspection. The lawful occupant of a rental unit shall have the right to refuse entry for a periodic interior inspection pursuant to K.S.A. 12-16,138. The City shall not seek an administrative search warrant or exercise other lawful means to enter a property solely for refusing a periodic interior inspection, but may otherwise seek to do so for cause as defined in Section 635.140.

**Section 635.100-110 Minimum Inspection Standards.**

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

A. The minimum standard to be used for inspections shall be compliance with the International Property Maintenance Code, International Building Code, International Existing Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and the National Electrical Code as adopted in Chapter 500 of this Code.

~~A.~~

~~A. The minimum standard to be used for inspections, pursuant to Section 635.090, for compliance with the International Property Maintenance Code, International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Electrical Code shall include the inspection of the building exterior, the common areas and the basement. If there are five (5) or more individual dwelling units in the building, the City shall endeavor to inspect at least five percent (5%) of such units annually, provided that a minimum of one (1) unit shall be inspected annually. The specific individual dwelling units to be chosen for inspections shall be vacant made-ready units, provided that a minimum of five percent (5%) of total units are inspected on an annual basis.~~

~~B. If any unit in the rental dwelling building is determined to be "substandard" as defined in this Chapter, the Housing Inspector or his/her designee may inspect additional or all of the units in the building.~~

**Section 635.110-120 Substandard Dwellings and Dwelling Units.**

**[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]**

The Housing CityInspector shall determine if a rental dwelling structure or any rental dwelling unit therein shall be considered substandard. In doing so, the Housing CityInspector shall utilize the definitions, criteria and standards for building safety and maintenance adopted in the Municipal Code of the City of Mission or incorporated therein by reference. Pursuant to the foregoing, the Neighborhood Services CoordinatorCity shall establish a written guideline upon which the determination will be based. A copy of said guideline shall be available for review and inspection in the City Clerk's office and the office of the Neighborhood Services Department.

Upon a determination that a dwelling or dwelling unit is substandard, the CityInspector shall give notice of the substandard conditions found and the corrective actions to be taken, and will specify the period of time the owner or registered agent has to perform those actions before further action is taken. Owners of registered agents who fail to correct substandard conditions within the allotted time may be subject to denial, non-renewal, or revocation of their license to rent the substandard dwelling or dwelling unit pursuant to Section 635.140.

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Section 635. ~~120-130~~ **Hazardous or Unfit Dwellings.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When a rental dwelling or dwelling unit is determined to be unfit or hazardous pursuant to this Code or applicable Kansas Statutes, the rental dwelling license shall be ~~annulled-revoked~~ on the effective date of said determination. The dwelling shall be eligible to hold a rental dwelling license only after inspection and approval pursuant to the conditions established by the Housing-CityInspector.

Section 635. ~~130-140~~ **Right of Entry — Unlawful Interference — Penalty-Inspections for Cause; Right of Entry.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The City's representative responsible for the administration and enforcement of this Chapter Inspectors may enter a building or premises at all reasonable times to conduct exterior and interior inspections of any rental dwelling:

- A. Having received three (3) or more notices of violation of the International Property Maintenance Code during the annual rental licensing period;
- B. When the lawful occupant of the dwelling requests an inspection;
- C. When a dwelling unit within the same building or property has been determined to be substandard pursuant to Section 635.1420; or
- D. Where probable cause exists to believe that an unsafe, dangerous, or hazardous condition exists in such building or premises.

The CityInspector shall provide reasonable prior notice of entry to the lawful occupant and the owner, manager, or registered agent of the property. The InspectorCity shall attempt to obtain entry from the lawful occupant and a consent form signed by the lawful occupant. If entry is refused, the Inspector-City shall have the authority to seek entry pursuant to an administrative search warrant or other lawful means.

- A. ~~Absent exigent or emergency circumstances, whenever necessary to make an inspection to enforce any of the provisions of this Chapter or whenever the Neighborhood Services Coordinator or his/her designated official has reasonable cause to believe that there exists in any dwelling unit or upon any premises any condition or Code violation that makes such building or premises unsafe, dangerous or hazardous, the Housing Inspector or his/her designated official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Chapter, provided that if such building or premises be occupied, he/she shall first present proper credentials, a signed entry consent form and request entry, giving reasonable prior notice of entry to the tenant or other occupant; and if such building or premises be unoccupied, he/she shall first provide notice and request entry with notice pursuant to Section 635.150. If such entry is refused, the Housing Inspector and/or designated official shall have recourse to every remedy provided by law to secure entry.~~
- B. ~~It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his/her duties pursuant to this Section. Any person who interferes with an officer or agent of the City pursuant to this Chapter shall be punished by a fine of up to five hundred dollars (\$500.00) or by jail term not to exceed five (5) days or both.~~

Section 635. ~~140-150~~ **Denial — Non-Renewal — Revocation — Suspension of License.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Failure to comply with the licensing standards as set forth in Section **635.080** shall be unlawful. If the Housing-City Inspector under the direction of the Neighborhood Services-Department determines that any rental dwelling or rental dwelling unit fails to comply with the licensing standards, the

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~~Neighborhood Services Department City shall mail give notice the owner or owner's agent a notice of the violation. The notice shall provide:~~

1. That the ~~Housing Inspector City~~ has determined that the building fails to comply with the licensing standards for the rental dwelling as set forth in Section **635.080** and the particulars thereof;
  2. The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports;
  3. That the ~~Neighborhood Services Coordinator City~~ will deny, refuse to renew, revoke or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice in the manner provided in Section ~~635.170180~~;
  4. That after any denial, non-renewal, revocation or suspension, the rental dwelling or the affected rental dwelling units therein must be vacated and shall not be reoccupied until a license is issued after approval by the ~~Neighborhood Services Department City~~; and
  5. A description of how an appeal may be filed under Section ~~635.170180~~.
- B. The ~~Housing Inspector City~~ shall cause a notice to tenants to be prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final.
- C. The owner and/or owner's agent may be charged in Municipal Court for failure to comply with the licensing standards. If the Municipal Court determines that the violations of the licensing standards do in fact exist, then the owner and/or owner's agent may be fined ~~up to five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both in accordance with Section 100.100 of the City's Municipal Code~~. Each day that the violation exists shall constitute a separate offense. Any such conviction in Municipal Court shall result in immediate revocation of the rental dwelling license owner and owner's agent.
- D. If the tenant fails to vacate the residence for which the license has been revoked, the tenant may be charged in Municipal Court for unlawful possession of a rental dwelling. Upon conviction, the tenant may be fined five hundred dollars (\$500.00) or sentenced up to five (5) days in jail or both. Each such day that the tenant remains unlawfully in possession of the rental dwelling shall constitute a separate offense.

Section ~~635.150-160~~ Notices.

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

~~A. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Chapter, notice shall be deemed sufficient if sent by first class mail to the owner or owner's designated registered agent at the address specified in the last license application filed. Notice may also be sent to the person identified as responsible for the maintenance and management of the premises, identified managers of the premises. If the dwelling unit is not licensed pursuant to this Chapter, notice is deemed sufficient if sent by first class mail to the person listed for the purposes of paying taxes on the property. Notices so mailed are sufficient whether actually received or returned.~~

~~B. On or about March first (1st) of each year, the City will mail or deliver to tenants of licensed residential rental property information on the City's minimum life, health and safety standards and contact information for the Neighborhood Services Coordinator.~~

~~C. At the time of the issuance of a license pursuant to Section 635.030, the City will provide to the applicant information on the minimum code requirements for exterior and interior maintenance of~~

~~rental dwellings.~~

Section 635. ~~160-170~~ **Duties of Licensee.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. Every holder of a rental dwelling license shall:

1. Receive a rental dwelling license certificate which shall contain the name and address of the owner of the rental property. ~~Said certificate shall be maintained by the licensee on the premises, if possible, or at the licensee's principal place of business or with the registered agent, and shall be made available, upon request, to any tenant of a dwelling unit or to any official of the City.~~
2. ~~Permit the Housing Inspector or an authorized representative to enter the premises for the purpose of conducting inspections to verify compliance with this Chapter. The licensee or an authorized representative shall be present during the inspection. Such inspections shall be made in accordance with the enforcement provisions of this Code.~~
3. ~~Promptly n~~Notify the ~~Neighborhood Services Department~~ City in writing of any changes of information contained in the last license application filed within thirty (30) days of such change.
4. Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for inspection by the ~~Neighborhood Services Department~~ City at all times.

B. The owner of any dwelling that is required to be licensed by this Chapter shall, prior to the time of ~~sale, transfer of title~~ of the dwelling, notify the ~~buyer, new owner~~ in writing of all unabated orders and violations issued by the City pertaining to such dwelling, as well as the requirement of law that the dwelling, upon ~~acquisition by, transfer to~~ a new owner, must be licensed with the City. A copy of the notification shall be mailed to the ~~Neighborhood Services Coordinator~~ City within five (5) days of furnishing the notification to the buyer. If ~~the dwelling is owned by a corporation~~ a corporation owns the dwelling, an officer of the corporation shall carry out the notification required by this Section. Time of ~~sale, transfer~~ is the time ~~when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement,~~ upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

Section 635. ~~170-180~~ **Appeals Procedure.**

[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Any person wishing to appeal the determination, denial, non-renewal, revocation or suspension of a license or provisional license shall file a written notice of appeal with the ~~Neighborhood Services City Department~~ within fifteen (15) days after receipt of the notice of denial, non-renewal, revocation or suspension. The notice of appeal shall contain a statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The appeal will be heard by a board comprised of one (1) City employee designated by the City Administrator, the Community Development Director, one (1) licensed landlord owner or manager of a licensed rental property not party to an appeal, two (2) residents of the City of Mission, one (1) member of the Mission Planning Commission and two (2) Code Officials from two (2) cities in Johnson County, Kansas. The board shall establish meetings on an as-needed basis.

C. The hearing will be held no later than forty-five (45) days after the receipt of the written notice of appeal.

~~ED.~~ At the hearing, the board shall hear all relevant evidence and argument. The board may admit and give effect to ~~evidence which~~evidence that possesses value commonly accepted by reasonably prudent persons in the conduct of their affairs.

~~DE.~~ The board shall render its decision in writing within fifteen (15) days after the close of the hearing. The decision shall determine whether the building or the dwelling units therein, meets the licensing standards of ~~Section 635.080 and Section 635.100 of this Code~~this Chapter and shall specify the factual basis for the determination.

~~EF.~~ The board may affirm, modify or reverse the action appealed, ~~by representatives of the Neighborhood Services Department.~~

~~FG.~~ ~~The final decision of the board shall be mailed to the license holder or applicant~~ Notice of the final decision of the board shall be served upon the license holder or applicant.

~~GH.~~ A notice ~~to tenants~~ of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building, if applicable, and shall clearly indicate which dwelling units are affected.

~~Section 635.180-190~~ **Vacation of Affected Dwelling Units.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

When an application for a rental dwelling license has been denied or a rental dwelling license or provisional license has been revoked, suspended or not renewed, the ~~Neighborhood Services Coordinator~~City shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

~~Section 635.190-200~~ **Operation of Rental Dwelling Without License A Misdemeanor.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A person who allows to be occupied or rents to another any rental dwelling unit without a license as required in Section 635.030 of this Code is guilty of a misdemeanor punishable as provided in Section 100.100 of the Municipal Code of Mission.

~~Section 635.200-210~~ **License Non-Transferable.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

A. A license issued hereunder is non-transferable. A new license application shall be required for each change of ownership of a rental dwelling.

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B. A new owner shall submit an application for a rental dwelling license in accordance with this Chapter (including rental license fee) no more than 30 days from the date of taking title to the property, provided a rental license is still required for the property.

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~~Section 635.210-220~~ **Remedies in This Chapter Are Not Exclusive.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

The remedies provided in this Chapter are not exclusive. They are in addition to and do not supersede or pre-empt other remedies such as condemnation, written violation orders and warnings and criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this Chapter do not supersede or affect the legal rights and remedies of tenants provided under State law or this Code.

~~Section 635.220~~ **Report.**  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

~~A Landlord Reference Report shall be compiled by searching rental unit license records and maintained by the City. This report lists the total number of units licensed by the landlord and the number that have outstanding allegations of code violations.~~

Section 635.230-230 License and Inspection Fees — Same To Act As Lien On Real Property.  
[Ord. No. 1225 §2, 12-13-2006; Ord. No. 1253 §2, 12-19-2007]

- A. Annual license fees shall be assessed according to the following schedule:
1. Single-family/duplex property: \$62.00.
  2. Tri-plex property: \$30.00 per unit.
  3. Apartments and all other multi-family: \$10.00 per unit.
- B. The ~~initial annual periodic~~ inspections described in Section ~~635.100-090~~ and Section 635.100 shall be at no cost to the owner. ~~Any reinspections of units found substandard by the inspections described in Section 635.100 shall be paid by the owner of the inspected property.~~

~~The City shall be empowered to recover part or all of its~~The City's actual cost to perform all other inspections, including a reasonable administrative fee, ~~of inspections from the rental property's owner. Inspections that the owner may be held financially liable for include, but are not limited to, inspections for cause pursuant to Section 635.130 and repeat inspections of property previously found substandard, unsafe, or dangerous of residences or dwellings requested by tenants or based upon observation of the exterior thereof as described in Section 635.090 shall be paid by the owner of the inspected property. The administrative fee shall be in the amount set by Section 103.110 for the administrative costs of nuisance abatement. All license, inspection, abatement or other fees that remain unpaid thirty (30) days after the City has demanded the same shall act as a lien on the subject real property and be entered on the County tax roll when consistent with, and in a manner allowed by, the laws of the State of Kansas.~~

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