ORDINANCE NO. 37

AN ORDINANCE PROHIBITING DANGEROUS STRUCTURES, PROVIDING FOR NOTICE DECLARING DANGEROUS STRUCTURES TO BE NUISANCES AND REQUIRING THAT SAID STRUCTURES BE RAZED OR REMOVED AND PROVIDING FOR THE ASSESSMENT OF COSTS AND OTHER PENALTIES FOR FAILURE TO REPAIR OR DEMOLISH DANGEROUS STRUCTURES.

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

SECTION 1: Dangerous Structures: Definitions. The term dangerous or hazardous object, as used in this article, is hereby defined to mean and include:

(a) Any building, shed, fence, or other object which is hazardous to health because of its condition, design, or structure, and which may cause or aid the spread of disease or injury to the health of the occupants, the neighboring area, or the public.

(b) Any building, shed, fence or other object which , because of faulty construction or design, age, lack of care or repair, or any other cause, is especially liable to fire and constitutes or creates a fire hazard.

(c) Any building, shed, fence or other object which, by reason of faulty construction or design, age, lack of proper care or repair, or any other cause, is liable to cause injury to persons or damage by collapsing or by a collapse or fall of any part thereof, and

(d) Any building, shed, fence or other object which, because of its condition or because of lack of doors, windows, or other enclosures is accessible to malefactors, disorderly persons, or which constitutes an attractive hazard to children, or persons other than lawful occupants.

SECTION 2: Designation of enforcing officer; authority. The Building Inspector is hereby designated as the "enforcing officer" charged with the administration of the provisions of K.S.A. 12-1750-12-1756, inclusive,

SECTION 3: Nuisance. Any such dangerous building, shed, fence or other hazardous object in this city if declared to be a nuisance.

SECTION 4: Dangerous Structures Prohibited. It shall be unlawful to maintain or allow the existence of any dangerous or hazardous building or other object in the city; and it shall be unlawful for owner, occupant, or custodian of any dangerous or hazardous building or other object to permit the same to remain in such a dangerous or harardous condition, or to occupy, permit occupation, or otherwise utilize such a building or other object while it remains in a dangerous or hazardous condition.

SECTION 5: Dangerous Structures: Notice. Wherever the Building Inspector together with the City-County Health Officer, conclude a building or other object to be dangerous or hazardous as to health, fire, or safety, respectively, the

former shall serve notice upon the owner or other responsible person, and upon occupants by registered mail or in person. Such notice shall set forth the fact that the building or other object in question has been adjudged to be dangerous as a fire hazard, as a menace to health, or hazardous to life or limb, as the case may be, and that such condition must be remedied by repair, alteration, or removal; that remedial action be concluded by thirty (30) days, and, in any case by a specified future date which will allow a reasonable period of time in which to accomplish the corrective action. Such notice shall be in the following form:

"To (Owner or responsible person and occupant of the premises)."

" You are hereby notified that (describe condition) on the premises specified above has been declared a nuisance which is dangerous or hazardous to life, limb health or property after inspection by the Building Inspectorand the City-County Health Officer".

"You must take steps necessary to remedy this condition by repair, demolition, or removal of the condition described herein without delay, but by (date)."

If the person who receives notice of the existence of a dangerous or hazardous building or other object has failed to comply with the provisions of such notice or taken appeal from the decision of the inspectors within ten (10) days from the time of receipt of such notice, the Building Inspector or other appropriate officer, may, upon orders from the Mayor and City Council, proceed to remedy the condition or raze the structure, as the case may be.

Upon written report of the Building Inspector to the Mayor ofthe existence of a building or other structure within the city which has been damaged seventy-five percent (75%), the Mayor shall appoint three (3) disinterested persons to determine the extent of the damage. A copy of the notice filed by the Building Inspector together with a notice of the appointment of the Board of three (3) disinterested persons to determine the extent of the damage shall be served upon the owner or other responsible person by registered mail or in person. Such notice shall be in the following form:

"To(Owner or other responsible person)."

"You are hereby notified that the Building Inspector ~~together with the Engineer~~ has determined that the structure owned by you or under your control and located at (location) within the city limits has been damaged by fire or other causes to the extent of seventy-five percent (75%) of its original structural capacity; that a board of three (3) disinterested persons has been appointed to verify this opinion, which board will hold its first meeting in the City Hall

on the (date) day of (month) (year) at (time) o'clock, at which time it will determine the extent of the damage and make recommendations."

"If the findings of the board coincide with the opinion of the Building Inspector, you will be required to raze and remove the sturcture in question."

"The board will entertain any remarks or statement that you may wish to make during its session at the time and place indicated."

If the board of three (3) disinterested persons finds that the structure has been damaged to the extent of seventy-five percent (75%) of its original structural capacity, it shall be the duty of the owner or other responsible persons to raze or remove the structure within thirty (30) days; and it shall be unlawful to permit the occupation of the structure after such findings.

SECTION 6: Costs, Assessment. When, because of failure on the part of the owner or other responsible person, after due notice as prescribed herein, to rectify or otherwise remove a nuisance which has been declared as provided for herein, it becomes necessary for the city to do so at public expense, the cost thereof shall be assessed and levied against the lots and tracts of land; and the City Clerk shall certify to the Clerk of the County of Leavenworth a full list of the property involved together with the amounts apportioned to each lot or tract of land for entry upon the tax rolls of Basehor, Kansas, which amounts shall be paid into the City Treasury.

SECTION 7: Penalty. Any person, firm, or corporation violating any provisions of this article by permitting the existence of any dangerous or hazardous object, permitting any dangerous or hazardous building or other structure to remain in such condition, or to maintain any building or other structure within the city limitsafter its destruction to the extent of seventy-five percent (75%) of its original structural capacity, shall be fined not less than One Dollar ($1.00) nor more than One Hundred Dollars ($100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

SECTION 8. That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the Tonganoxie Mirror, the official newspaper of the City of Basehor, Kansas.

Passed by the City Council this 11th day of August, 1970.

Approved by the Mayor this 11th day of August, 1970.

J. A. Meyer

J.A. Meyer, Mayor

Attest:

Charles G. Newman

Charles G. Newman, City Clerk