ORDINANCE NO. 219

AN ORDINANCE RELATING TO ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1982 EDITION BY REFERENCE AND REPEALING ALL SECTIONS IN CONFLICT HEREWITH.

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

Section 1: That the Uniform Code For the Abatement of Dangerous Buildings be adopted as follows:

Uniform Code For The Abatement of Dangerous Buildings, Inc. The Uniform Code For the Abatement of Dangerous Buildings, 1982 Edition, the same being a standard code for the abatement of dangerous buildings and available in book or pamphlet form, is hereby incorporated by reference herein and made a part of this article, the same as if fully set out herein, except such part or portions thereof as are specifically changed, omitted or added to in this article. The standard code shall constitute the minimum regulations for the abatement of dangerous buildings under the provisions of this article except as hereinafter provided.

Marked Copies of Uniform Code For the Abatement of Dangerous Buildings on File. There shall be no less than three (3) copies of the Code kept on file in the office of the City Clerk and made available for inspection for the public at all reasonable business hours. The file copies of the Code shall be marked or stamped "official copy as incorporated by Ordinance No. 182 ."

Section 2: Amendments to the Uniform Code For the Abatement of Dangerous Buildings. The amendments to the Uniform Code For the Abatement of Dangerous Buildings adopted by Ordinance No. 182 shall be as set out in this section. All references to section and chapter numbers in the text of this section shall be construed as if followed by the words "of the Uniform Code For the Abatement of Dangerous Buildings," unless clearly indicated to the contrary. The Uniform Code For the

Abatement of Dangerous Buildings, 1982 Edition, herein shall be amended by the following provisions:

1. Sec. 201(b) is deleted in its entirety and the following is substituted therefore:

Inspections. The chief building inspector is hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this Code.

2. Sec. 401(a), (b), (c), (d) and (e) are deleted in entirety and the following is substituted therefore:

Determination.

a. Whenever the enforcing officer shall file with the Governing Body a statement in writing that any such structure, describing the same and where located, is unsafe or dangerous, the Governing Body shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of record, and any occupant of such structure, may appear and show cause why such structure should not be condemned and ordered repaired or demolished.

b. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the first publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder or occupant at their last known place of residence and shall be marked "Deliver to Addressee Only" provided, that if the owner is a resident of the county, the resolution shall be personally served within five (5) days on such owner or delivered to their last known address in lieu of mailing the same, and in this case, at least one (1) week shall elapse between the service on such owner and the date set for the hearing.

c. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure,

as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe or secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided in the notice of hearing. The resolution shall fix a reasonable time within which the repair or the removal of such structure shall be commenced, and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body shall cause the structure to be raised and removed or repaired.

Section 3: Chapter 4 Notices and Orders of Building Official, be amended by adding a section:

Immediate Hazard. When in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored, or otherwise made safe without delay, and such action may, under such circumstances be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided in Chapter 9 of the Uniform Code For the Abatement of Dangerous Buildings as adopted and amended by Ordinance No._____.

Section 4: Chapter 9, Recovery of Cost of Repair or Demolition, is deleted in its entirety and the following is substituted therefore:

Abatement By City; Collection of Costs. If the owner of any structure fails to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed

to raise and remove the structure, make the premises safe and secure or let the same to contracts. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises secure. All monies in excess of that necessary to pay such costs and the cost of publication of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located. If there is no salvageable material or money received from the salvage is insufficient to pay the cost of such work, such cost, or any portion thereof, including a $_____ administrative cost, shall be assessed as a special assessment against the parcel of land on which the structure is located and the City Clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs, and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the county assessor that such structure, describing the same, has been so removed.

If there is no salvageable material, or if the monies received from the sale of salvage is insufficient to pay the cost of the work, such cost, or any portion thereof in excess of that received from the sale of the salvage may be or by the issuance of no fund warrants. Whenever no fund warrants are issued under the authority of K.S.A. 12-1755, a tax levy at the first tax levying period for the purposes of paying such warrants and the interest thereon, all as provided in K.S.A. 12-1755, and amendments thereto.

Section 5: The Uniform Code For the Abatement of Dangerous Buildings be amended by adding:

Duties of Owner After Removal of Structure. The owner of any structure upon removing the same, shall fill any basement or

other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition.

Section 6: That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance. The Governing Body of the City of Basehor hereby declares that it would have attached this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause and phrase be declared unconstitutional.

Section 7: This Ordinance shall take effect and be in force from and after its publication in the Basehor Sentinal.

Passed, approved and adopted by the Governing Body of the City of Basehor, Kansas on this 5th day of December, 1988.

CITY OF BASEHOR, KANSAS

By: Anna M. Landauer
ANNA MARY LANDAUER

Attest:

Mary L. Moore
City Clerk