

CHAPTER 4. BUILDINGS, CONSTRUCTION AND INSTALLATION

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ARTICLE 1. FIRE LIMITS

- 4-101 FIRE LIMITS DEFINED. The boundaries of the fire district as it presently exists or as it may from time to time be amended are shown on the District map on file in the office of the city clerk. The boundaries as shown upon such map shall have the same force and effect as though fully set forth or described in this article.

ARTICLE 2. BUILDING CODE

- 4-201 NATIONAL BUILDING CODE INCORPORATED. The certain standard code known as the National Building Code, 1976 Edition Abbreviated, recommended by the American Insurance Association, 85 John Street, New York, New York, 10038, is hereby incorporated herein by reference and made a part of this article, save and except such portions as may hereinafter in this article be deleted or amended. There shall be not less than three (3) copies of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copies of the standard code shall be marked "Official Copy as Incorporated by the Code of the City of Washington". All sections or portions of the filed copies of the standard code shall be clearly marked to show deletions from the standard code. (K.S.A. 12-3009:3012)
- 4-202 AMENDMENTS. Amendments to the standard code incorporated in Section 4-201 of this article shall be as follows:

(a). Section 9.1—Noncompliance—is hereby repealed and amended to read:

9.1 PENALTY—Any person who shall violate any of the provisions of the code hereby incorporated by reference or fail to comply with this article, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- 4-203 DEFINITIONS. Definitions of terms as used in this article shall be as follows:
- (a) Wherever the term “municipality” is used in this code, it shall be held to mean the City of Washington;
 - (b) Wherever the term “corporation counsel” is used in this code, it shall be held to mean the attorney for the City of Washington;
 - (c) Wherever the term “building official” is used in this code, it shall be held to mean the Administrator of the City of Washington.
- 4-204 OFFICE CREATED. The City Administrator shall be the building inspector of the city.
- 4-205 PERMITS, DUTIES OR BUILDING INSPECTOR. Any person, firm, or corporation desiring to build, repair or otherwise alter or move, remove, or relocate any building within the city limits shall first secure a building permit therefor from the city by making written application to the building inspector for the permit, and shall furnish the building inspector in such application with such information as may be requested by the inspector and as may be required by the ordinances of the city. Application for such permit shall be made and obtained before work is commenced upon the foundation for any such proposed building, and such application shall state the exact site to be occupied, the material, dimensions, and estimated cost of the proposed building, structure or portion built or rebuilt, or moved upon any such lot. Plans and specifications of the proposed erection, alteration or addition shall be submitted for inspection and approval before the permit is issued. The building inspector shall study all plans, specifications and applications and grant those which show that they comply fully with the building code and the zoning ordinances. The permit, if granted, shall be valid for one hundred eighty (180) days from the date of issue. In all cases where the building inspector is of the opinion that the application should be denied, or he is in doubt for any reason, he shall submit the application to the city council for consideration together with his conclusions and recommendations and the city council will decide whether a permit is to be issued or denied. The building inspector also shall inspect or cause to be inspected all violations of the ordinances of the city reported to him, with regard to the construction, reconstruction, alteration, repair or use of buildings or premises in the city, and to take all proper and necessary steps to abate and punish the violators.
- 4-206 APPEALS. Whenever it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted by the building inspector, the applicant may appeal to the city council within thirty (30) days from the date of the decision appealed.
- 4-207 LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person, firm or corporation performing any activity connected herewith, nor shall the city be held as assuming any such liability by reason of any inspection authorized herein, or by reason of any certificate of inspection issued by it.
- 4-208 RIGHT OF ENTRY. The building inspector, in the discharge of his official duties, and upon proper identification shall have authority to enter any building, structure or premises at any reasonable hour to perform his duties as set out herein.

ARTICLE 3. ELECTRICAL CODE

- 4-301 NATIONAL ELECTRICAL CODE INCORPORATED. The certain standard code known as the National Electrical Code, 1975 Edition, published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210, is hereby incorporated herein by reference and made a part of this article, save and except such portions as may hereinafter in this article be deleted or amended. There shall be not less than three (3) copies of the standard code incorporated by reference and kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable hours. The filed copies of the standard code shall be marked "Official Copy as Incorporated by the Code of the City of Washington." All sections or portions of the filed copies of the standard code shall be clearly marked to show deletions from the standard code. (K.S.A. 12-3009:3012)
- 4-302 ELECTRICAL INSPECTOR'S OFFICE CREATED; INSPECTIONS. The City Administrator shall be the electrical inspector of the city and directed to regulate and determine the placing of electric wires or other appliances for electric lights, heat or power in the city and to cause all such wires, appliances or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current. The electrical inspector shall enforce all provisions of this article and he is hereby granted the authority to enter all buildings in the city in the performance of his duties between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. daily, except that in emergency and within the limits of reason, the electrical inspector may enter buildings for such purposes at other designated hours.
- 4-303 PERMITS, BONDING. It shall be unlawful, except as herein otherwise provided for any person, firm or corporation to place any wires of any kind or description in or about any building in the city intended for the purpose of conveying electric current or furnishing light, heat or power, unless such person, firm or corporation has made application to the city clerk and secured a permit authorizing such person, firm or corporation to engage in the business of electric wiring within such city. Such permit shall not be issued except as herein otherwise provided, until such person, firm or corporation has made payment to the city clerk of a fee of ten dollars (\$10.00) and has filed with the city clerk a good and sufficient bond to the city in the penal sum of one thousand dollars (\$1,000.00), guaranteeing that such person, firm or corporation will perform the duties of electric wiremen in compliance with the rules set forth in this article, and hold the city harmless against all costs, expenses, damages or injuries, sustained by reason of the carelessness or negligence of the person, firm or corporation or any agent or employee thereof operating under this article or by any rules or regulations made in pursuance thereof or by reason of the laws of the State of Kansas or any ordinance of the city. Such bond shall be subject to the approval of the mayor and council before such permit is issued, but this section shall not apply to any person in the employ of the city working under the direction of the building inspector or electrical inspector.

Such bonds shall be signed by two (2) or more good and sufficient sureties or executed by a surety company authorized to transact business in the State of Kansas. The person, firm or corporation who shall sign such bond, either as principal or surety, shall be liable thereof, first to the city and second to any person who shall be in any way damaged by the failure of the principal in such

bond to perform the duties of electric wireman in compliance with the rules set forth in this article. Such bond shall not be held to guarantee the fulfillment of any contract made by any person, firm or corporation engaged in the business of doing electric wiring, but only that such wiring as is done by such person, firm or corporation, shall be done in compliance with the rules set forth in this article. The electrical inspector is authorized to revoke the permit of any person, firm or corporation engaged in the business of electric wiring in the city in the manner and for cause hereinafter provided: PROVIDED, that the electrical inspector may issue a temporary permit to any person, firm or corporation having complied with the provisions of this article in the following circumstances, to-wit:

When the person, firm or corporation seeking such temporary permit is in the employ of a contractor, who has given bond to insure the proper construction of building, and the electrical wiring or apparatus to be installed in the building is covered by such contractor's bond.

- 4-304 PERMIT TO INDIVIDUAL. Any individual desiring to perform his own electrical work personally shall not be required to make the required bond, but shall be required to obtain the regular permit and certificate of approval for that particular job. Such work done by an individual must be done by him personally on his own property and not be a way of performing a service to the public generally.
- 4-305 APPEALS. Whenever the electrical inspector shall disapprove an application or refuse to grant a permit applied for under this article, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the electrical inspector to the city council within thirty (30) days from the date of the decision appealed.
- 4-306 CERTIFICATE OF APPROVAL. All persons, firms or corporations are hereby forbidden to make any electric connections by means of which electric current may be conveyed or maintained, on or about any building in the city until the owner or his authorized agent shall have secured from the electrical inspector a certificate that the wiring of such building has been inspected and approved.
- 4-307 NOTICES TO ELECTRICAL INSPECTOR. It shall be the duty of every person, firm or corporation who shall place wiring as above described in any building in the city to report to the electrical inspector immediately upon completion of such wiring and before such wiring has been concealed or covered by any lath, plaster, ceiling or any other material whatsoever, and the electrical inspector shall within twenty-four (24) hours thereafter make careful inspection of the wiring so reported. Immediately upon completion of such inspection the electrical inspector, if the wiring so inspected has been approved, shall issue to the owner of such building or his agent, a certificate to the effect that such wiring has been approved, and authorize the delivery and maintenance of electrical current to such building. If the electrical inspector's report be that such wiring does not comply with the requirements of the electrical inspector and of this article, then no certificate shall be issued until all the requirements of the electrical code shall be complied with, such compliance to be ascertained by the electrical inspector upon actual examination.
- 4-308 UNLAWFUL CONNECTIONS. Any person, firm or corporation who, without the consent of the governing body of the city shall make a connection of any

wire, conduit or device, to any electrical service line, or transmission line used to carry electricity, by the electric plant owned and operated by the city for public or private use, or who shall deface, puncture, remove, reverse or alter an electric meter used to measure electricity furnished by the city, or the connection thereof, for the purpose of securing unmeasured electricity or electric current unlawfully, owned by the city, or who shall prevent any such electric meters from properly measuring or registering electricity, or electric current, owned, or furnished over the transmission lines of the city; or any person, firm or corporation who shall knowingly take, receive, use or convert to his own use, or the use of another any electricity, or electric current which has not been measured, owned or furnished by the city; or who shall cause, procure, permit, aid or abet any person to do any of the aforesaid acts, shall be guilty of a misdemeanor, and upon conviction thereof in the municipal court of the city shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). In default of payment of such fine upon conviction, such person shall be imprisoned in the city jail until the same is fully paid.

4-309 EXISTENCE OF UNMEASURED ELECTRICITY. The existence of any of the connections of meters, alterations for use of unmeasured electricity or electric current as set out in Section 4-308 of this article, shall be prima facie evidence of the intent to violate, and of the violations of this article, by the person, firm or corporation using or receiving the benefit from the use of the electricity or electric current passing through such connections or meters, or being used unmeasured as aforesaid.

4-310 PENALTY. Any person who shall violate any of the provisions of this article, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 4. PLUMBING CODE

4-401 UNIFORM PLUMBING CODE INCORPORATED. The Uniform Plumbing Code, Edition of 1973, published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California, 92232, for the practice of plumbing, including the installation, maintenance, extension, and the alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water systems the same being a standard code obtainable in book and pamphlet form from the International Association of Plumbing and Mechanical Officials at the above address shall be and is hereby incorporated by reference herein as the plumbing code of the city. The code shall be the minimum standard for all plumbing work

done or performed under the provisions of this article except as hereinafter provided. Three (3) copies of the Uniform Plumbing Code shall be kept on file by the city clerk for inspection by and use of the public and shall be marked with the words "Official Copy as Incorporated by the Code of the City of Washington."

- 4-402 AMENDMENTS. The Uniform Plumbing Code incorporated in Section 4-401 of this article shall be amended by the addition of Chapter 2A—Plastic Pipe and Fittings.

CHAPTER 2A. PLASTIC PIPE AND FITTINGS

SECTION 2A01. Use of Plastic Pipe and Fittings for Building Underground Sewers and Drainage.

- (a) It shall be permissible to use the following plastic pipe for building sewer: Acrylonitrile-Butadiene-Styrene (ABS) and fittings; and Polyvinyl Chloride (PVC) pipe and fittings which meet Commercial Standards established by the United States Department of Commerce and with a minimum pressure rating of one hundred pounds per square inch (100 psi): PROVIDED, That all such plastic pipe and fittings shall meet the following standards: Commercial Standard CS254-63 ABS plastic pipe and Commercial Standard CS256-63 PVC plastic pipe.
- (b) Only ABS plastic fittings shall be used with ABS plastic pipe, PVC plastic fittings shall be used with PVC plastic pipe. Such ABS fittings shall conform to Commercial Standard CS254-63 and PVC fittings shall conform to Commercial Standard CS256-63. Joints shall be made in accordance with such commercial standards in an approved manner and appropriate recommendations of the manufacturer.
- (c) Only an approved type of solvent shall be used for solvent welding as recommended by the manufacturer for the connection of plastic pipe to plastic pipe. The socket shall be free of dirt, grease, or foreign matter. A solvent cement shall be applied, with a natural bristle brush, inside the socket and to the pipe for a length equal to the socket depth. The socket and pipe shall immediately be forced together with a slight twisting motion, if possible, to insure full engagement of the pipe end into the socket. Connections of solid pipe to other materials shall be sealed by means of solvent cement, cement mortar, poured lead or other material recommended by the manufacturer.
- (d) Trench depth for building sewers connecting to sewer mains shall be sufficient to provide a minimum cover depth of thirty (30) inches. Trench width shall be sufficient to provide at least four inches (4") of clearance on both sides of the pipe. A firm, smooth foundation shall be provided for the pipe. The ditch shall be excavated to a depth to provide a minimum of two inches (2") of sand or earth free of rocks or debris under the pipe, except where existing soil is adequately clean and sound. The sewer grade shall be in accordance with good sound engineering practice for a given flow and size of pipe.
- (e) Pipe shall be firmly bedded and backfilled with selected backfill materials free of rocks, boulders, and foreign matter to at least three inches (3") above the top of the pipe. Backfill shall be tamped in thin layers and thoroughly compacted to provide solid support between the sides of the pipe and the sides of the ditch.

The remainder of the ditch may be mechanically filled if desired and should be compacted by puddling, flooding or tamping. Stones larger than six inches (6") at their greatest dimension shall not be used in the backfill.

SECTION 2A02. It shall be permissible to use type ABS (Acrylonitrile-Butadiene-Styrene) plastic pipe Schedule 40 system or systems of drainage, waste, and vent piping and fittings conforming to Commercial Standard CS270-65, and type PVC (Polyvinyl Chloride) plastic pipe Schedule 40 system or systems of drainage, waste, and vent piping and fittings conforming to Commercial Standard CS272-65, for aboveground soil waste and vent systems in residential buildings of frame construction only; PROVIDED, That all such plastic pipe and fittings shall meet the following standard: Commercial Standard CS270-65, ABS plastic pipe, and Commercial Standard CS272-65, PVC plastic pipe, and carry the appropriate National Sanitation Foundation Seal of Approval for DWV pipe, as shown (NSF-DWV) or the standards as set forth and contained in the publications of the United States Department of Commerce entitled "Commercial Standard CS270-65—Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe and Fittings," and "Commercial Standard CS272-65—Polyvinyl Chloride (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings," and amendments thereto.

SECTION 2A03. Only ABS plastic fittings shall be used with ABS plastic pipe, or PVC plastic fittings shall be used with PVC plastic pipe for drainage, waste and vents. Such ABS fittings shall conform to Commercial Standard CS270-65 and PVC fittings shall conform to Commercial Standard CS272-65. Joints shall be made in accordance with such commercial standards in an approved manner and the appropriate recommendations of the manufacturer. ABS fittings and PVC fittings shall carry the National Sanitation Seal of Approval. Only an approved type of solvent shall be used for solvent weld as recommended by the manufacturer. All plastic joints and connections shall be watertight. All design, construction and workmanship shall be performed in accordance with the requirements and recognized standards of practice and by qualified mechanics to secure the results sought to be obtained by this code.

SECTION 2A04. Plastic Pipe and Fittings for Potable Water Service:
Specifications

Interior Cold Water Distribution	
Sch. 80 PVC	CS207-60
Water Service Line Sch. 40 PVC	CS207-60
	CS256-63
	CS255-63
160 No. PE	

All PVC and PE pipe and fittings used for potable water must be approved by the National Sanitation Foundation and be marked with the NSF seal and conform with the above standards. No under slab installation will be permitted.

All PVC water service lines must have a minimum rated working pressure of 200 P.S.I.

All PE water service lines must have a minimum rated working pressure at 160 P.S.I.

Meter risers from a point twenty-four inches (24") outside of the meter on each side shall be installed by the use of copper, type K brass or galvanized iron.

Sprinkling Systems, Underground Law – Minimum rated working pressure of 125 P.S.I. An approved anti-siphon device must be installed on all sprinkling systems.

- 4-403 DEFINITIONS. Wherever the term “administrative authority” is used in the code, it shall be held to mean the building inspector of the City of Washington, Kansas.
- 4-404 PERMITS; FEES. It shall be unlawful for any person, firm or corporation to uncover a public sewer, for any purpose, or to open or take off any manhole, flush tank or inlet cover, or to make, or cause to be made any connections with the mains or laterals of the public sewers of the city, or to build any sewer connections or to do any plumbing work except minor repairs as hereinafter defined, on or in any building or structure connected with any part of the public sewer system of the city, at the time such plumbing work is done, without having first received a written plumber’s permit from the building inspector of the city, granted upon written application describing contemplated work, the premises to be sewered or on which plumbing work is to be done, and the plumbing fixtures to be put in. This permit will be issued only upon payment to the city clerk of a fee of two dollars (\$2) and no permit shall be issued to any person whose bond has not been approved by the mayor and council. No permits shall be issued to make connection with any main outside of a sewer district or property which has not been specially assessed, or which is not legally liable to special assessment for the cost of sewer laterals until a written application shall have been presented to the mayor and council and the fee which shall be fixed and determined in each application by the council shall have been paid.
- 4-405 APPEALS. Whenever the building inspector shall disapprove an application or refuse to grant a permit applied for under this article, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the building inspector of the city council within thirty (30) days from the date of the decisions appealed.
- 4-406 PERMITS NOT REQUIRED. No permit shall be required under this article for minor repair work or temporary repairs in case of an emergency. By minor repair work is meant the repairs of leaks in pipes, traps, or cocks opening up stoppage in waste or supply pipes, traps or drains, or replacing broken fixtures when waste pipes are not disturbed and replacing frozen pipes inside buildings.
- 4-407 BONDING NECESSARY; WHEN. No permit as described in Section 4-404 of this article shall be issued to any person, firm or corporation until such person, firm or corporation has given to the city a bond in the sum of one thousand dollars (\$1,000) to be approved as to its sufficiency by the mayor and council, conditioned that such person, firm or corporation, will faithfully comply with all the terms and conditions of this article and all rules and regulations made in pursuance thereof, and of all ordinances of the city governing street excavations, and indemnify and hold the city blameless against all costs, expenses, damages or injuries sustained by reason of the carelessness or negligence of the person, firm or corporation or of any agent or employee thereof operating under this article or any amendments thereto, or any rules or regulations made in pursuance thereof,

or by the laws of the State of Kansas. No bond for this purpose shall run longer than two (2) years, and the bond shall remain in full force and effect as to any work done or excavation made for six (6) months after such work or excavations have been completed. A permit issued under this article may be revoked when the person, firm or corporation to whom such permit has been issued shall not have in his employ an employee capable of wiping a joint as herein provided, or if by any reason a bond given in accordance with the provision hereof shall become worthless; PROVIDED FURTHER, that the building inspector may issue a temporary permit to any person, firm or corporation without having complied with the provision of this article as to having given bond, in the following circumstances:

- (a) When the person, firm or corporation seeking such temporary permit is in the employ of a public utility corporation, or a firm or individual engaged in a business known and designated as a public utility and the particular building in which, or the location at which such plumbing is to be installed is the property of such public utility.
- (b) When the person, firm or corporation seeking such temporary permit is in the employ of a contractor, who has given bond to insure the proper construction of building, and the plumbing to be installed is to be installed in the building covered by such contractor's bond.

4-408 PERMIT TO INDIVIDUAL. Any individual desiring to perform his own plumbing work personally shall not be required to make the required bond, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job, and not be a way of performing a service to the public generally.

4-409 RIGHT OF ENTRY. The building inspector, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure, or premises at any reasonable hour to perform his duties as required in this chapter.

4-410 PENALTY. Any person who shall violate any of the provisions of this article, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 5. DANGEROUS AND UNFIT STRUCTURES (*Ord. 791*)

4-501 PURPOSE. The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because

of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this ordinance. (K.S.A. 12-1751)

4-502 DEFINITIONS. For the purpose of this ordinance, the following words and terms shall have the following meanings:

(a) Enforcing officer means the city administrator or his or her authorized representative.

(b) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750)

4-503 ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this ordinance, including the following:

(a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;

(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;

(c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;

(d) Receive petitions as provided in this ordinance.

4-504 PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.

4-505 SAME; NOTICE. The governing body upon receiving a report as provided in Section 4-504 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752)

4-506 SAME; PUBLICATION.

- (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
- (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
(K.S.A. 12-1752)

4-507 SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to 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 for the notice of hearing. The resolution shall fix a reasonable time within which the repair or 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 will cause the structure to be razed and removed.

4-508 DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

4-509 SAME; FAILURE TO COMPLY.

(a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

4-510 SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

4-511 ASSESSMENT OF COSTS.

(a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making

the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.

(K.S.A. 12-1755)

4-512 IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in Section 4-511. (K.S.A. 12-1756)

4-513 APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this ordinance may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

4-514 SCOPE OF ORDINANCE. Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this ordinance shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756.