

(First Published in the Western Butler County Times, March, 5, 1970)

ORDINANCE NO. 130

AN ORDINANCE PROVIDING A PROCEDURE FOR THE REMOVAL, REPAIR OR ABATEMENT OF DANGEROUS BUILDINGS, WALLS, OR OTHER STRUCTURES AND FURTHER PROVIDING FOR NOTICE TO THE OWNER, AGENT OR LIENHOLDERS OR OCCUPANT OF ANY REAL PROPERTY UPON WHICH SUCH STRUCTURE OR STRUCTURES ARE LOCATED AND DEFINING THE DUTIES OF THE OWNER OF SUCH STRUCTURE AND PROVIDING FOR THE ISSUANCE OF NO-FUND WARRANTS TO REPAIR OR ABATE SUCH STRUCTURES AND PROVIDING OTHER INCIDENTAL RELIEF IN CONNECTION THEREWITH INCLUDING THE LEVYING OF THE COSTS OF SUCH ABATEMENT AS A SPECIAL ASSESSMENT AGAINST THE REAL ESTATE INVOLVED

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AS FOLLOWS:

Section 1. The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectively ascribed to them in this section:

- (a) STRUCTURE: Shall mean and include any building, wall or other structure.
- (b) ENFORCING OFFICER: Shall mean the Mayor of the City of Andover, Kansas.

Section 2. DESIGNATION OF ENFORCING OFFICER, AUTHORITY. The Mayor is hereby designated as the enforcing officer charged with the administration of the provisions of K.S.A. 12-1750 through 12-1756, inclusive, as amended and the provisions of this article, which provisions are identical.

Section 3. POWERS OF GOVERNING BODY. The Governing Body shall have power to cause the repair or removal of, or to remove any structure located within the city which may have become unsafe or dangerous.

Section 4. STATEMENT, RESOLUTION FOR HEARING; PUBLICATION; NOTICE OF RESOLUTION.

Whenever the Enforcing Officer shall file with the Governing Body a statement in writing that any structure, describing the same and where located is unsafe or dangerous, said Governing Body shall by resolution fix a time and place at which the owner, his agent, any lienholders 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. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least one (1) week shall elapse between the last publication and the date set for the hearing. A copy of said resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at his or its last known place of residence; Provided, That if the owner is an individual who is a resident of the

State of Kansas, the resolution shall be personally served within said three (3) days on such owner in lieu of mailing the same.

Section 5. HEARING: FINDINGS AND ORDER BY RESOLUTION: PUBLICATION AND MAILING OF RESOLUTION. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, his 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 shall find that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired and the premises made safe and secure. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agent, 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.

Section 6. DUTIES OF OWNER UPON REMOVING 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 7. FAILURE OF OWNER TO REPAIR OR REMOVE: CITY MAY REMOVE: PROCEDURE, SALVAGE: NO-FUND WARRANTS, IF NECESSARY: SPECIAL ASSESSMENTS, WHEN. If the owner of any structure has failed 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 raze and remove such structure, make the premises safe and secure, or let the same to contract. 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 cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs shall, 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 if moneys received from the sale of salvage is insufficient to pay the costs of such work, such costs or any portion thereof in excess of the amount received from the

sale of salvage shall be assessed as a special assessment against the lot or parcel of land on which the structure was 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 said lot or parcel of land. If there is no salvageable material or if the moneys received from the sale of salvage is insufficient to pay the costs of the work, such costs of any portion thereof in excess of that received from the sale of salvage may be financed, until the assessment is paid, out of the General Fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this article, the Governing Body shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the General Statutes of 1949, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2040 as amended, except they shall not bear the notation required by said section and may be issued without the approval of the State Board of Tax Appeals. All moneys received from special assessments levied under the provisions of this section shall, when and if paid, be placed in the General Fund of the City.

Section 8. STRUCTURES CONSTITUTING IMMEDIATE HAZARD: AUTHORITY OF ENFORCING OFFICER: SPECIAL ASSESSMENTS. 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 by Section 7 of this article.

This Ordinance duly passed and adopted by the Governing Body of the City of  
Andover, Kansas this 14 day of February, 1970.

Mal Baker  
Mal Baker, Mayor

ATTEST

(SEAL)

Patricia M. Stuenkel  
Patricia M. Stuenkel  
City Clerk