

ORDINANCE NO. 204

AN ORDINANCE DECLARING AN EMERGENCY AND SUSPENDING THE EFFECT OF ORDINANCE NO. 147 OF THE CITY OF ANDOVER, KANSAS; AND RELATING TO THE MOVING OF STRUCTURES AS DEFINED THEREIN WITHIN THE CITY LIMITS OF THE CITY OF ANDOVER, KANSAS, OR WITHOUT THE CITY LIMITS INTO THE CITY LIMITS OF THE CITY OF ANDOVER, KANSAS; AND MAKING A PROVISION FOR APPLICATION AND APPLICATION FEES THEREFOR; AND PROVIDING FOR THE CREDITING OF INSPECTION FEES TO THE GENERAL FUND OF SAID CITY; AND PROVIDING FOR AN INDEMNITY BOND TO BE POSTED WITH SAID CITY IN THE AMOUNT OF \$2,500.00 TO INSURE COMPLETION OF ANY STRUCTURE MOVED INTO SAID CITY IN ACCORDANCE WITH VARIOUS ORDINANCES AND CODES OF SAID CITY; AND PROVIDING USES OF THE PROCEEDS OF ANY SUCH INDEMNITY BOND; AND PROVISIONS FOR A PUBLIC HEARING AND NOTICE OF SUCH PUBLIC HEARING TO CERTAIN LAND OWNERS PRIOR TO THE GRANTING OF A PERMIT TO MOVE A STRUCTURE; AND PROVIDING FOR CERTAIN DETERMINATIONS TO BE MADE BY THE GOVERNING BODY OF SAID CITY PRIOR TO THE GRANTING OF SUCH PERMIT.

Section 1. That for the purpose of this Ordinance an emergency is hereby declared and the first reading of this Ordinance suspended as might otherwise be required by Ordinance No. 147 of the City of Andover, Kansas, enacted on the 10th day of November, 1970.

Section 2. DEFINITIONS: As used in this Ordinance, the following terms shall have the following meaning and connotations:

(A) Structure - shall be construed to include any building or intergral and substantial portion thereof moved more than 100 feet from one site to another within the City of Andover, Kansas or moved from outside the corporate limits of said City into the corporate limits for the purpose of creating a residence for one or more families or for the purpose of housing any business of commercial or industrial pursuit. Such structure shall comply with the terms of this Ordinance whether or not the same are the so-called modular or sectional structures.

Section 3. APPLICATION: Any person, firm or corporation seeking to locate any structure as defined herein in the corporate limits of the City of Andover, Kansas, shall first make application to the City Clerk of said City for permission to move or relocate said structure. Such application shall be in a form as prescribed by the City Clerk and shall at least contain:

(A) The name and address of the applicant.

(B) The present exact location of the structure sought to be moved.

(C) The legal description of the site to which such structure is sought to be moved.

(D) A detailed foundation plan for the footing and stem wall, or basement if applicable, upon which the structure is to be situated and its relationship to lot lines and corners of the site involved.

(E) A general description of the height of said building and the type of its structure, that is, the type of roof, the type of roof covering and the type of siding.

(F) The age of said structure.

(G) Photographs of all sides of said structure, if later required by the City Clerk or Building Inspector.

(H) A general statement of any remodeling, reconstructing, or additions to the structure which the applicant intends to make.

(I) The statement of the applicant that such structure when so moved, located and completed will comply with the building, plumbing, gas fitting and electrical codes of said City as well as the fact that the same will not violate any zoning or planning ordinances or regulations of said City or the subdivision regulations thereof.

Section 4. APPLICATION FEE: A fee of \$100.00 shall accompany the application which fee is intended to cover the cost of inspection and administrative costs in connection with the relocation of such structure and in the event the application is finally denied, one-half of said fee shall be deemed to have been used in administrative costs and the other one-half shall be deemed to be refundable to the applicant.

Section 5. CREDITING OF INSPECTION FEES: All application fees paid hereunder shall be credited to the General fund of said City.

Section 6. INDEMNITY BOND: Each application referred to in Section 2 above shall be accompanied by an indemnity bond, in the face amount of \$2,500.00, written with a commercial insurance carrier authorized to do business in the State of Kansas or may be in cash deposited with the City Clerk of said City, or may be signed by a surety (who may be the applicant himself) who must reside within thirty miles of the City of Andover, Kansas or within Butler County, Kansas, who shall verify under oath that such surety is worth more than \$7,500.00 over and above all legal exemptions and the condition of said bond is that the applicant will comply with the terms of this Ordinance and all other ordinances of said City relevant to such structure sought to be moved and that the same will be in full compliance therewith within the length of time specified in this Ordinance

or within any extension of time granted under the terms of this Ordinance; and will be further conditioned that the applicant, or his agents, subcontractors or assigns, will not cause any damage to the streets, roads or alleys of said City or to any public utilities located therein during the course of relocation, construction and completion of said structure and will be further conditioned upon the condition that the completion of said structure will be made within the time specified by this Ordinance or any extension of time hereunder and if not so completed within such time the City of Andover, Kansas may use the proceeds of such bond for the purpose of razing and destroying said structure and restoring the site thereof to a safe condition; or if the proceeds of the indemnity bond are sufficient, such proceeds may be used by the City to complete said structure.

The Governing Body of said City reserves the right to approve or reject any surety upon said bond.

Section 7. PROCEDURE:

(A) Upon receipt of such application, the City Clerk, in conjunction with the Building Inspector of said City, shall, if feasible, cause the structure involved inspected at the site where it is then presently located, make a detailed written report (and recommendation if deemed advisable) to the Governing Body of the City of Andover, Kansas.

(B) Upon receipt of such report and/or recommendation from the City Clerk by the Governing Body of said City, the Governing Body shall direct the City Clerk to furnish written notice of a public hearing before the Governing Body upon the application to all ascertainable owners of land, whose addresses can be ascertained with due diligence, within 200 feet of the boundary lines of the site upon which said structure is sought to be relocated. Such notice shall be placed in the United States mails at least fourteen days in advance of the date of said hearing. For the purpose of this Section, owners shall be construed to be those parties who are the grantees in the last deed of record of any property within 200 feet of the boundary lines of said site.

(C) At the above described public hearing the Governing Body shall, before directing the Building Inspector to issue a building permit for the relocation of such structure, shall in effect make a determination that the moving or relocation of such structure to the site intended in the application will:

(1) Conform in height and outside appearance with other structures adjoining or across a street from the site in question or in the general area thereof. (For the purpose of this subsection the general area as used herein shall not necessarily be construed to be any property within 200 feet of the boundary lines of said site in question.)

(2) When construction is completed, not have a blighting or deteriorating effect on adjoining property or property in the area as above described by reason of outward appearance, structural defects, or obsolescence or age, and for the purpose of determining whether the age of the structure sought to be relocated is obsolete by reason of age, if such structure is more than five years older than the oldest structure adjoining it on any side of the building site, then, absent substantial evidence to the contrary, such structure sought to be relocated will be presumed to be of such age as to be a blight or have a deteriorating effect upon the general area.

Section 8. COMPLETION TIME: The applicant, once his permit is granted, shall have six months from the date of issuance of permit in which to move, relocate and complete said structure in accordance with the building code and all other codes of said City and failing to do so shall be deemed to be in non-compliance with this Ordinance and to have forfeited the indemnity bond hereinabove provided, unless the said applicant shall, prior to the expiration of such six month period of time, seek and receive, upon reasonable and substantial grounds, from the Governing Body of said City an extension of time which shall not be more than an additional six months period. Failure to meet any completion date shall entitle the City of Andover to invoke all remedies set out in Section 5 of this Ordinance.

The above Ordinance duly passed and adopted this 13th day of October, 1973.

(SEAL)

Eugene Miller
Mayor

Attest:

Patricia M. Strunkel
City Clerk