

ORDINANCE NO. 217

An Ordinance amending and supplementing Ordinances Nos. 143 and 144, of the City of Andover, Kansas, and providing for a building and housing board of adjustments and appeals.

BE IT ORDAINED by the governing body of the City of Andover, Kansas:

SECTION 1: That Section 2 of Ordinance 143 of the City of Andover, Kansas, as enacted on November 5, 1970, be amended to read:

Section 2. That there shall be excluded from said Code any reference to Appendices A, B, and C thereof; and further, that Sections 106, 107 and 108 shall be excluded from said Code in there entirety.

SECTION 2: That Sections 21 of Ordinance No. 144 of the City of Andover, Kansas, as enacted on November 5, 1970, be amended as follows:

Section 2. That Sections 111, 112, 113 and 114 of said Code shall be excluded in there entirety.

SECTION 3: Board of Adjustments and Appeals

A. APPOINTMENT

There is hereby established a Board to be called the Board of Adjustments and Appeals, hereinafter called Board, which shall consist of three (3) members. The said Board shall be appointed by the Mayor of the City of Andover, Kansas, with approval of Governing Body.

B. TERM OF OFFICE

Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any member from the regular meetings of the Board shall, at the discretion of the Mayor, with majority approval of Governing Body, render any such member liable to an immediate removal from Office.

C. QUORUM

Two members of the Board shall constitute a Quorum. In varying the application of any provisions of the Codes, named hereafter, or in modifying any order of any official, two affirmative votes shall be required. No Board member shall act in a case in which he has a personal interest.

D. PROCEDURE

The Board shall establish rules and regulations for its own procedure not inconsistant with the provisions of the Codes,

named hereafter. The Board shall meet at regular intervals, to be determined by the Board, or in any event the Board shall meet within ten days after notice of appeal has been received. The Board shall maintain and keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

#### E. DUTIES

The duties of the Board of Adjustments and Appeals shall be:

1) To consider and determine appeals whenever it is claimed that the true intent and meaning of the so-called "Southern Standard Building Code" as adopted by the City of Andover, Kansas, Ordinance No. 144 on 5th day of November, 1970, and any amendments thereto; and the so-called "Southern Standard Housing Code" as adopted by the City of Andover, Kansas, on the 5th day of November, 1970, hereinafter called Codes, and any amendments thereto of any of the regulations thereunder have been misconstrued or wrongly interpreted.

2) To permit, in appropriate cases where the application of the requirements of the Codes in the allowance of the stated time for the performance of any action required hereunder would appear to cause undue hardship on an owner, a reasonable extention of time, provided, however, no such extention shall be granted for more than eight months from the date of such notice.

#### F. APPEALS

Notice of appeal shall be in writing ~~at~~ and filed within thirty days after any decision is rendered by the Building Official ~~under~~ the Codes.

#### G. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent, who shall violate a provision of the Codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of the Codes shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Codes is committed, or continued and upon conviction of any such violations such person shall be punished within the limits as provided by the laws of the State of Kansas.

#### H. VALIDITY

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 above ordinance passed and adopted the 12<sup>th</sup> day of

October, 1974.

ATTEST:

(SEAL)

Patricia M. Stuenke

CITY CLERK

Eugene Miller  
MAYOR