

ORDINANCE NO. 1990

AN ORDINANCE CONCERNING THE DEMOLITION OF BUILDINGS AND STRUCTURES AND SITE CLEARANCE AND ESTABLISHING REQUIREMENTS FOR DEMOLITION AND SITE CLEARANCE

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

Section 1. Any person, business or other entity demolishing, razing or removing any building or structure within the city limits of Burlingame, Kansas, shall comply with the requirements of this ordinance.

Section 2. Demolition of buildings and structures. All buildings and structures that are demolished, razed or removed from or upon any premises within the limits of the City of Burlingame, Kansas, shall conform to the requirements and ordinances of Burlingame, any state or federal laws, rules or regulations and approved standards of safety for persons or property.

Section 3. Notifying the buildings official. Permit. No building or structure shall be demolished or razed from or upon any premises without first notifying the city building official of such intent at least forty-eight (48) hours prior to commencing such work and the obtaining from the city of a demolition permit.

Section 4. Prior to obtaining a demolition permit. Prior to obtaining a demolition permit under these regulations all public utilities shall be disconnected, the sewer, water and gas shall be capped, and the structure shall be tested for asbestos. The owner shall cause the sewer line to the building or structure to be capped by a licensed plumbing contractor and such capping shall be inspected and approved by the building official. All such sewer lines shall be capped in an approved manner at a point between the connections to the sewer main and five (5) feet inside the property line nearest the sewer main where the building sewer connects. The owner shall cause all other utility services to be totally disconnected from the building or structure to be demolished prior to demolition. All gas and water lines shall be disconnected and capped by a representative of the utility provider. The owner shall have the structure tested for asbestos at the owner's expense. The city shall inspect and approve all disconnects prior to issuing the demolition permit.

Section 5. Protection of the general public. When a building or structure is adjacent to a public way, the owner or his authorized representative shall afford protection of the general public as required by Chapter 44 of the Uniform Building Code.

Section 6. Protection of adjacent private property. Adequate protection of adjacent property shall be maintained during the demolition of any structure.

Section 7. Removal and site clearance requirements of those properties within R residential zoned areas. The following requirements will be met during and after the razing or demolition of any structure within a residential R zoned area: in wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials there from completely removed before work on the next lower story is started. In those instances where demolishing of an unusual structure or building

is undertaken or where unusual circumstances exist, the building official may by special permit in writing authorize deviation from the standard regulations for demolition in the interest of public safety, and welfare. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level. No combustible material shall be used to fill any basement or excavation. All porches and concrete slabs must be removed from the site. The top two (2) feet to finished grade on any type of foundation shall be fine dirt, free of any rocks larger than 6 inches in diameter and vegetation. All fill materials shall be compacted and no rocks or other material larger than 12 inches in diameter shall be used as fill material. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous conditions dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavation which is not completely filled shall be fenced with fencing adequate for the safety of the public.

Section 8. Removal and site clearance requirements of those properties within all other zoned areas including multi-family, commercial and industrial. The following requirements will be met during and after the razing or demolition of any structure in all other zoned areas including property within commercial or industrial areas: in wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials there from completely removed before work on the next lower story is started. In those instances where demolishing of an unusual structure or building is undertaken or where unusual circumstances exist, the building official may by special permit in writing authorize deviation from the standard regulations for demolition in the interest of public safety, and welfare. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level. No combustible material shall be used to fill any basement or excavation. Crawl space foundation walls shall be removed from the site. Basement foundations shall be broken up and may be used to partially fill the basement if no piece is larger than 12 inches in diameter. The top three (3) feet to finished grade on any type of foundation shall be fine dirt, free of any rocks larger than 6 inches in diameter and vegetation. All fill materials shall be compacted and no rocks or other material larger than 12 inches in diameter shall be used as fill material. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous conditions dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavation which is not completely filled shall be fenced with fencing adequate for the safety of the public.

Section 9. All applications for a demolition permit shall be made in writing to the City Clerk specifying the location and address of the property, date of commencement and completion of the work and such other information as may be required by the City. Any demolition, razing or removal of any building or structure shall be completed and all material removed from the site within 90 days of the issuance of a demolition permit.

Section 10. Before any demolition permit is issued, the applicant shall pay a fee to the City in an amount to be set by the City by resolution.

Section 11. Penalties. The public officer may file a complaint in the municipal court of the City against any person that violates, neglects or refuses to comply with any provision of the

Code and upon conviction thereof be fined in a sum of \$100.00 for each offense. Each day that a violation is committed or continues to exist shall constitute a separate offense.

Section 12. Abatement. In addition to or as an alternate to any penalties as provided for in Section 11, the City, upon a determination by the governing body after an opportunity for a hearing as hereinafter provided with the applicant for the demolition permit and the landowner that a violation of this ordinance has occurred, may go upon the property to abate and bring the property into compliance with the requirements of this ordinance and assess the costs thereof against the property.

The governing body upon receiving a written report from the public officer of a violation of the terms of this ordinance shall by resolution fix a time and place at which the owner, the owner's agent and any lienholder of record may appear and show cause regarding any such violation and why the City should not correct or abate the condition with all costs assessed to the landowner.

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. 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."

If, after notice and hearing, the governing body determines that a violation of the ordinance has occurred, it shall state in writing its findings of fact in support of such determination and shall cause a resolution of its findings to be published once in the official city newspaper and a copy mailed to the owners, agents and lienholders of record in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within violation shall be corrected and a statement that if the owner of such property fails to commence the corrective work within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the demolition and property to be brought into compliance with the ordinance.

Assessment of costs. The cost to the city of any removal or demolition by the public officer, including making the site safe and in compliance with this ordinance, shall be reported to the City Clerk.

The city shall give notice to the owner of the property 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.

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.

If the proceeds of the sale of salvage are insufficient to recover the cost, or if there is no salvage, the City Clerk shall, at the time of certifying other city taxes certify the unpaid portion of the costs to the County Clerk who shall extend the same on the tax roll of the county.

PASSED by the governing body and APPROVED by the Mayor of the City of Burlingame, Kansas, this 18th day of February, 2003.

/s/ Donald D. Parker, Mayor

ATTEST: /s/ Cheryl D. Holloway, City Clerk