# CHAPTER IV: BUILDINGS AND CONSTRUCTION

Article

# FIRE LIMITS

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**ARTICLE 1: FIRE LIMITS**

Section

4-101 Fire limits established

# § 4-101 FIRE LIMITS ESTABLISHED.

The following shall be and are hereby declared to be the fire limits of the city: 500 feet outside of the city limits.

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**ARTICLE 2: BUILDING CODE**

(Reserved)

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**ARTICLE 3: ELECTRICAL CODE**

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**ARTICLE 4: PLUMBING AND GAS-FITTING CODE**

(Reserved)

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**ARTICLE 5: MOVING BUILDINGS**

(Reserved)

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**ARTICLE 6: DANGEROUS AND UNFIT STRUCTURES**

Section

 4-601 – Purpose

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# § 4-601 PURPOSE.

The governing body has found that there exists 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 article.

(K.S.A. 12-1751)

# § 4-602 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ENFORCING OFFICER.*** The City Council’s approved representative or his or her authorized representative.

***STRUCTURE.*** Includes 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)

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# § 4-603 ENFORCING OFFICER; DUTIES.

The enforcing officer(s) is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:

1. Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
2. 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;
3. Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body; and
4. Receive petitions as provided in this article.

# § 4-604 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.

# § 4-605 SAME; NOTICE.

The governing body, upon receiving a report as provided in § 4-604, 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.

# § 4-606 SAME; PUBLICATION.

1. 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”.

(K.S.A. 12-1752)

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**Dangerous and Unfit Structures**

# § 4-607 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.

# § 4-608 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.

# § 4-609 SAME; FAILURE TO COMPLY.

1. 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.
2. 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.

# § 4-610 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.

# § 4-611 ASSESSMENT OF COSTS.

1. 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.
2. 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.

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1. 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.
2. 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.
3. If there is no salvage material, or if the monies 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)

# § 4-612 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 § 4-611.

(K.S.A. 12-1756)

# § 4-613 APPEALS FROM ORDER.

Any person affected by an order issued by the governing body under this article 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.

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**Dangerous and Unfit Structures**

# § 4-614 SCOPE OF ARTICLE.

Nothing in this article 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 article shall be in addition to and supplemental to the powers conferred by the Constitution, any other law or ordinance. Nothing in this article 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 to 12-1756

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**ARTICLE 7: NUMBERING BUILDINGS**

Section

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| 4-701 | Numbering |
| 4-702 | Same; north and south |
| 4-703 | Same; east and west |
| 4-704 | Numbers assigned |
| 4-705 | Same |
| 4-706 | Same |
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| 4-708 | Same |
| 4-709 | Same; placement |
| 4-710 | Numbers; height |
| 4-711 | Numbers; painted |

# § 4-701 NUMBERING.

Buildings and building sites in the city shall be numbered in accordance with the rules set forth. (Ord. 246, passed 6-18-1992)

# § 4-702 SAME; NORTH AND SOUTH.

The principal base line for numbers of buildings and buildings sites on streets running north and south shall begin at First and Vermont.

(Ord. 246, passed 6-18-1992)

# § 4-703 SAME; EAST AND WEST.

The principal base line for numbers and buildings and building sites on streets running east and west shall begin at First and Vermont.

(Ord. 246, passed 6-18-1992)

# § 4-704 NUMBERS ASSIGNED.

The hundred digits in any number assigned to a building or any building site shall indicate the approximate number of blocks the building or building site is from one of the principal base lines indicated herein.

(Ord. 246, passed 6-18-1992)

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#  § 4-705 SAME.

Buildings and building sites shall be so numbered that only odd numbers shall be on the south and west sides of a street and only even numbers shall appear on the north and east sides of the street. (Ord. 246, passed 6-18-1992)

# § 4-706 SAME.

One building or building site number shall be assigned to each 25-foot lot, tract or parcel of land along any block. Apartments located on the second story of any dwelling and having an outside entrance may be assigned the number of the dwelling with the number one-half affixed.

(Ord. 246, passed 6-18-1992)

# § 4-707 MASTER PLAN.

The city and the City Council shall prepare a master plan of numbers for each building and/or building site in the city. Should a question arise as to the proper number to be assigned to a building or building site, the city and the City Council shall decide the question and assign the proper number according to the master plan.

(Ord. 246, passed 6-18-1992)

# § 4-708 SAME.

When a building permit or a permit to move a building is issued, it shall be the duty of the issuing officer to assign the number, according to the master plan, and to enter the proper number of the permit. (Ord. 246, passed 6-18-1992)

# § 4-709 SAME; PLACEMENT.

All buildings fronting on any street shall have placed thereon the number assigned by the master numbering plan. Such number shall be placed within 30 days after completion or relocation of a building. The number shall be placed at the side or above the front door to the building as to be easily seen from the street. If a front door does not front the street, then address numbers shall be placed on the wall fronting the street and be easily seen from the street.

(Ord. 246, passed 6-18-1992)

# § 4-710 NUMBERS; HEIGHT.

The numerals of each number placed on a building shall be least five inches high. (Ord. 246, passed 6-18-1992)

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**Numbering Buildings**

# § 4-711 NUMBERS; PAINTED.

Painted numbers on the public right-of-way shall be regulated by the City Council. (Ord. 246, passed 6-18-1992)

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