



## **Building Code Board of Appeals / Building Trades Review Board**

### **APPLICATION FOR APPOINTMENT**

*Note: Your application will be copied for the City Commission  
and made available to the press and public.*

☐ I am a current member seeking reappointment to the Board.

☐ I am seeking a first term as a member of the Board.

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

Business Address: \_\_\_\_\_

Home Telephone: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Are you a resident of Pittsburgh? \_\_\_\_ If yes, how long have you lived in Pittsburgh: \_\_\_\_\_

Current occupation (within last 12 months): \_\_\_\_\_

Business interest in the last 12 months: \_\_\_\_\_

\_\_\_\_\_

Previous Committee/Commission Experience: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application. \_\_\_\_\_

Professional and/or community service activities: \_\_\_\_\_

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute: \_\_\_\_\_

Area of representation (please circle all that apply):

Licensed master electrician

Licensed master plumber

Licensed master mechanical

Professional Engineer

Professional Architect

Building Contractor

Lay Member

The Building Code Board of Appeals / Building Trades Review Board meets on an as-needed basis. Appointment to this position may require you to file a Conflict of Interest Disclosure Statement, which is a public record.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

If you have any questions regarding the appointment procedure, please contact the City Clerk by phone at (620)230-5532 or by email at [tammy.nagel@pittks.org](mailto:tammy.nagel@pittks.org).

Please return your completed application on or before November 30<sup>th</sup>, 2022, to:

City of Pittsburg  
Attn: City Clerk  
PO Box 688  
Pittsburg, KS 66762

Sec. 18-415. - Qualification standards review.

- (a) Each candidate must have documented proof of experience pursuant to K.S.A 12-1508, 12-1509, 12-1526 and 12-1542 For the purpose of evaluating the education and experience of candidates in accordance with standards established by this article, the Building Code of Appeals shall act as the Building Trades Review Board. The Building Trades Review Board shall consist of seven members, five members of which are presently appointed to the Building Code Board of Appeals and two additional members to include at least one person of each building trade holding a master license (i.e. licensed master electrician, licensed master plumber or licensed master mechanical). The Board shall review documentation on the qualifications of all candidates for certificates issued pursuant to this article.
- (b) Appointments. Members shall be appointed by the Mayor with the approval of the Governing Body. The appointed members shall serve for a term of three years. Vacancies shall be filled by appointment for the unexpired term only. The Governing Body may remove members for just cause upon written notice.
- (c) The Building Official shall submit to the Board for their review the applicant's application and documentation to take the building trades examination. The Building Trades Review Board shall validate the applicant's experience as established by City Ordinances Section 18-414. In an effort to expedite the review process applications(s) will be forwarded to the Board members electronically at such time as they are submitted to the Building Official. The Board shall be required to notify the Building Official of their decision within no more than ten working days of the applicant's submittal. Any action rendered by the Board shall be by simple majority vote. The presence or action of four members of the Board shall constitute a quorum and the affirmative vote of at least three is required to pass a motion. In the hearing before the Board, all rulings shall be recorded and permanent records kept.

(Code 1975, § 5-815; Ord. No. G-1013, § 2, 12-19-2006; Ord. No. G-1081, § 2, 1-12-2010; Ord. No. G-1199, § 2, 3-11-2014)

## ARTICLE III. - INTERNATIONAL BUILDING CODE

### *Footnotes:*

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**Editor's note**— Ord. No. G-1006, §§ 1—4, adopted Dec. 19, 2006, amended Art. III in its entirety and enacted the provisions set out herein. The former Art. III, titled *Uniform Building Code*, derived from Code 1975, §§ 5-201—5-204.

### Sec. 18-61. - International Building Code adopted.

The International Building Code (I.B.C.), 2012 Edition, prepared, compiled and promulgated as a standard of the International Code Council (ICC) of which not less than three copies are on file in the Office of the City Clerk, is hereby adopted and incorporated as fully as set forth herein, except such parts or portions thereof as are hereinafter deleted, modified, supplemented or amended by Sections 18-62, 18-63 and 18-64.

(Ord. No. G-1006, § 1, 12-19-2006; Ord. No. G-1240, § 1, 11-24-2015, eff. 1-1-2016)

**State Law reference**— Adoption by reference, K.S.A. 12-3009 et seq., 12-3301 et seq.

### Sec. 18-62. - Accessibility section deleted/replaced.

The International Building Code as adopted, is hereby amended by deleting Chapter 11- Accessibility is deleted and replaced with K.S.A. Chapter 58, Article 13-Accessibility Standards for Public Buildings including the current edition of the Department of Justice's "ADA Standards for Accessible Design."

(Ord. No. G-1006, § 2, 12-19-2006; Ord. No. G-1240, § 2, 11-24-2015, eff. 1-1-2016)

### Sec. 18-63. - Sections deleted/repealed.

- (a) Section 105.2(2), 107.2.1, 107.2.2 107.2.3, 107.2.4 and 107.2.5 are deleted.
- (b) All references to the International Existing Building Code, International Plumbing Code, and the International Energy Conservation Code are deleted.
- (c) All references to the International Code Council Electrical Code are deleted and replaced with references to the current adopted National Electric Code (NEC).
- (d) All references to Section 903.2.8.1 Automatic Sprinkler Systems for Group R-3 Occupancies for one and two family dwellings are hereby deleted, in accordance with K.S.A. 12-16,219.

(Ord. No. G-1006, § 3, 12-19-2006; Ord. No. G-1065, § 1, 5-12-2009; Ord. No. G-1087, § 2, 2-23-2010; Ord. No. G-1240, § 3, 11-24-2015, eff. 1-1-2016)

### Sec. 18-64. - Modifications, supplements and amendments.

- (a) *Section 103* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 103. Appointment and Liability.*

*103.1 Deputies.* In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint deputies. Such employees shall have powers as delegated by the Building Official.

*103.2 Liability.* The Building Official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for costs in any action, suit or proceeding instituted for the good faith discharge of duties under the provisions of this code.

- (b) *Section 105.2.3* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 105.2.3 Public Service Agencies.* A permit shall not be required for work that is done on property that is owned, used, and operated by the United States government or the State of Kansas.

- (c) *Section 107.2* of the 2012 Edition of the International Building Code is hereby amended as follows:

Section 107.2 Construction Documents (commercial and residential).

Commercial Construction:

Two (2) sets of documents shall be submitted in the form of at least 1 (one) electronic media and one (1) paper copy. Commercial and multifamily plans must be stamped by an architect and/or engineer registered in the State of Kansas as per Kansas Statutes. Construction drawings must be submitted with the following information:

1. Code footprint sheet per Kansas Fire Marshall Regulation K.A.R. 22-17 or with this design criteria:
  - i. Occupancy group
  - ii. Type of construction classification
  - iii. Design loads

- iv. Square footage/Allowable floor area
  - v. Note if building will be sprinkled
  - vi. Height and number of stories
  - vii. Occupant load
  - viii. Means of egress to include path of exit discharge to public way
2. Site Plan. Show proposed new building or structure and any existing buildings or structures, all property lines with dimensions, all streets, easements and setbacks. Show all water, sewer, communication services, natural gas, telephone, and cable TV, electrical points of connection, proposed utility service routes and existing utilities on the site. Show all required parking, drainage and grading information. When appropriate, include a topographic survey. Show north arrow. Show dimensions for the location and size of components delineated on the site plan. Provide erosion control measures and documented Storm Water Pollution Prevention Plan (SWPPP).
  3. Foundation Plan. Show all foundations and footings. Indicate size, locations, thickness, materials and strengths, and reinforcing. Show all imbedded anchoring such as anchor bolts, hold-downs, post bases, etc. Provide a geotechnical report for the proposed structure at that site. Show dimensions for the location and size of all components delineated on the foundation plan.
  4. Floor Plans. Show all floors, including basements. Show all rooms, with their use, overall dimensions and locations of all structural elements and openings. Show all doors and windows. Provide door and window schedules. All fire resistance rated assemblies, areas of refuge, occupancy separations, fire blocking and draft stopping shall be shown. Show dimensions for the size of all rooms and the locations of other components delineated on the floor plans.
  5. Schedules. Room finishes doors, hardware, windows, plumbing, and mechanical, electrical and structural.
  6. Framing Plans and Roof Framing Plans. Show all structural members, their size and methods of attachment, connections, location and materials for floors and roofs. Show roof plan. Show dimensions for the location size of all components delineated on the roof plan.
  7. Exterior Elevations. Show each view. Show vertical dimensions and heights. Show openings and identify materials and show lateral bracing system, where applicable. Show dimensions and schedules.
  8. Building Sections Wall Sections. Show materials of construction, non- rated and fire resistance rated assemblies and fire resistance rated penetrations. Show dimensions.
  9. Mechanical System. Show the mechanical system. Include all units, their sizes, mounting details, and all duct work and duct sizes. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations. Show dimension.

10. Plumbing System. Show all fixtures, piping, slopes, materials and sizes. Show point of connections to utilities, septic tanks, pre-treatment sewer systems and water wells. Show dimensions.
11. Electrical System. Show all electrical fixtures (interior, exterior and site), wiring sizes and circuiting, grounding, panel schedules, single line diagrams, load calculations and fixture schedules. Show point of connections to utility. Show dimensions.
12. Fire Sprinkler System. Show all sprinkler heads, piping valves, alarms, tamper switches, materials, and sizes. Show point of connections to the water system and fire alarm system. Show dimensions for the size and location of components delineated on the fire sprinkler system drawings.
13. Structural Systems. Show foundation, structural members and where required, provide structural calculations for the structural systems of the project. Include calculations indicating compliance with seismic, wind, snow and other design loads.
14. Specifications. Prepare specifications to further define the construction components, the quality of the materials, and delineation of the materials and methods of construction, wall, floor and ceiling finishes, exterior finishes, and descriptions of all pertinent equipment. Schedules may be incorporated into the project manual in lieu of being delineated on the construction drawings.
15. Addenda and Changes. It shall be the responsibility of the design professional of record to notify the Building Official of any and all changes throughout the project and provide revised construction documents, calculations or other appropriate documentation prior to commencement of that portion of the construction.
16. Revisions. For clarity, all revisions should be identified and clouded on the construction drawings and appropriately marked in the project manual or resubmitted as a new set of construction documents.

Exception: The Building Official is authorized to waive any of the above requirements to be prepared by a registered design professional if it is found that the nature of the work applied for is such that the inclusion of the above requirements is not necessary to obtain code compliance.

- (d) *Section 109.2* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 109.2-Schedule of permit fees.* On buildings or structures requiring a permit to include new and remodeled structures both commercial and residential, a fee for each permit shall be paid as required in accordance with the following schedule:

TABLE INSET:

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Total Valuation	Fee
\$1.00—\$1,000.00	\$20.00
\$1,001.0—\$2,000.00	\$30.00
\$2,001.00—\$5,000.00	\$40.00
\$5,001.00—\$10,000.00	\$60.00
\$10,001.00—\$25,000.00	\$100.00 for the first \$10,001.00, plus \$6.85 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00—\$50,000.00	\$202.00 for the first \$25,001.00, plus \$4.65 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00—\$100,000.00	\$332.00 for the first \$50,001.00, plus \$3.55 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	\$509.00 for the first \$100,001.00, plus \$3.00 for each additional \$1,000.00 or fraction thereof.

- (e) *Section 109.3* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 109.3 Building permit valuations.* The determination of the value of valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit fees shall be the total of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning,



elevators, fire extinguishing systems and any other permanent equipment. No fee, other than that set forth above, shall be charged for new construction; although, this does not preclude the Building Official from charging separate fees for sewer and water connections.

Permit fees for residential demolition will be \$25.00.

- (f) *Section 109.4* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 109.4 Work commencing before permit issuance.* Whenever, any work for which a permit is required by this code has commenced without obtaining said permit, a fee shall be collected in the amount double the fee as set forth in the table above.

- (g) *Section 113* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 113. Building Code Board of Appeals/Building Trades Review Board.*

1. Purpose. For the purpose of determining questions of fact as to the acceptability and adequacy of alternate materials, equipment, and types of construction and for providing for the review of the interpretation of this code, there is hereby established the Building Code Board of Appeals/Building Trades Review Board, hereafter referred to as the board.
2. Right of appeal. Any decision of the Building Official in the enforcement of the building codes may be appealed to the board by any person aggrieved or by any officer, department, board or commission of the City affected by any decision of said Building Official. Such appeal must be received within thirty (30) days from the date of the order or other ruling appealed, by filing with the Building Official a written notice of appeal setting forth the ground therefore. Before the board is called, the appellant shall pay a fee as established by ordinance, payable to the City. The Building Official shall then transmit to the board all papers constituting the record upon which the action appealed from is taken. An appeal stays all enforcement proceedings of the action appealed from except in emergency cases.
3. Composition and appointment.
  - (a) Composition. The board shall consist of seven (7) members. Each member shall be qualified by experience and training and pass upon matters pertaining to building construction and shall have five (5) years' experience in his occupation.
    - One member shall be a professional engineer registered by the state.
    - One member shall be an architect registered by the state.
    - One member shall be a building contractor.
    - One member shall be a licensed mechanical master.

- One member shall be a licensed master electrician.
  - One member shall be a licensed master plumber.
  - One member shall be a lay member.
- (b) Appointments. Members shall be appointed by the Governing Body. The first four (4) members appointed to the board will serve four (4) years; the next three (3) members shall serve three (3) years. Vacancies shall be filled by appointment for the unexpired term only. The Governing Body may remove members for just cause upon written notice.
- (c) Powers and duties. The board shall have the power to approve the use of alternate materials, equipment and types of construction whenever, in any specific case, the board shall find and determine that the application for a general rule or regulation governing such use will, by reason of exceptional circumstances or conditions, constitute a practical hardship; to hear and render decisions on all appeals from the decisions of the Building Official; and to hear and render decisions on appeals from the various examining committees created by the Building Code. The board shall further be empowered to interpret the intent of the Building Code in specific cases and to authorize responsible, minimum variance from the literal provision of the code where it is determined that such variance is, for the purpose intended, at least the equivalent of that prescribed in the code with respect to quality, strength, effectiveness, fire resistance, durability and safety. All rulings and actions of the board shall be consistent with the spirit and intent of the Building Code with respect to safety of human life. The board shall adopt reasonable rules and regulations for its conduct as it may deem necessary to carry out the requirements of this code. The board may recommend to the Building Official such new legislation as is consistent with their decisions.
- (d) Meetings. The board shall fix a reasonable time for the hearing of the appeal, as well as due notice to the parties in interest, and decide the same within a reasonable time. A majority of the board shall constitute a quorum. A majority affirmation vote of a quorum shall be necessary for any action taken by the board. Upon the hearing before the board, any party may appear in person or by agent or by attorney. In the hearing of appeals before the board, all testimony, objections thereto, and rulings shall be recorded and permanent records kept.
- (e) Conflict of interest. No member of the board shall vote on any matter in which he has a direct or financial interest.
- (f) Right of appeal. Any party aggrieved by any notice, finding or order may request a hearing before the board; and any interested party aggrieved by the determination of the board may appeal to the District Court within thirty (30) days as provided by K.S.A. 60-2101(d).

(h) *Section 114* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 114. Violations.* It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this code. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, punishable as prescribed by Sec. 1-7 of the City Code, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued or permitted and, upon conviction of any such violation, such person(s) shall be guilty of an offense.

(i) *Section 116* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 116. Unsafe Structures and Equipment.*

1. Dangerous, unsafe and unsanitary structures; findings of the Governing Body. The Governing Body of the City hereby finds that there exist in such municipality structures which are dangerous, unsafe and/or unfit for human use or habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions, including those set forth in subsection (e) of this Section, rendering such structures dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality, and it is hereby deemed and declared necessary by the Governing Body of such municipality to require or cause the repair, closing or demolition or removal of such structures in the manner hereinafter provided.
2. Public Officer appointed. The Building Official of Pittsburg, Kansas, is hereby designated and appointed as the Public Officer to exercise the powers prescribed in this Section and shall be hereinafter referred to as the "Public Officer."
3. Immediate Hazard; action to protect public. When in the opinion of the Building Official, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may 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, as provided by K.S.A. 12-1756.
4. Procedure for dilapidation and abandoned structures.
  - (a) Whenever a petition is filed with the Public Officer, or his designated agent, by at least five (5) residents of the municipality charging that any structure is dangerous, unsafe or unfit for human use or habitation, or whenever it appears to the Public Officer or his

designated agent, on his own motion, that any structure is dangerous, unsafe or unfit for human use or habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the Public Officer or his designated agent at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of such complaint. The owner, mortgagee and parties in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Officer.

- (b) If, after such notice and hearing, the Public Officer determines that the structure under consideration is unfit for human use or habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which:
  - 1. If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, which shall not exceed fifty (50) percent of the fair market value of such structure, the owner of such property shall, within the time specified in the order, repair, alter or improve such structure to render it safe and fit for human use or habitation, or, the owner of such property shall, within the time specified in the order, vacate, close, board/secure the structure for a period not to exceed twelve (12) months, or until conformance with this Section is made, whichever period is shorter; or,
  - 2. If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say under fifty (50) percent of the fair market value which is hereby fixed as a reasonable cost by the Governing Body of such City, the owner shall, within the time specified in such order, remove or demolish such structure.
- (c) If the owner fails to comply with an order to repair, alter or improve, or, to vacate, close, board/secure the structure within thirty (30) days from the date of such order, the Public Officer may cause such structure to be vacated, closed, boarded and secured for a period not to exceed twelve (12) months.
  - 1. If the owner fails to comply with an order to repair, alter or improve the structure within the twelve (12) month time period from the date of such order to board/secure, the Public Officer shall deem the structure abandoned and shall initiate dilapidation proceedings.
  - 2. Owner shall be notified and shall receive a thirty (30) day notice of any subsequent

need for re-securing the structure. Public Officer shall summarily re-secure structure upon failure of the owner to re-secure within a thirty (30) day time period.

3. The fact that the building or structure had to be re-secured by the City shall demonstrate that it is an attractive nuisance, and the Public Officer shall begin dilapidation proceedings.
  4. Pursuant to the boarding/securing of the property, agents of the municipality are granted right of entry to insure no human or domesticated animal is inside the structure.
- (d) If the owner fails to comply with an order to remove or demolish the structure within thirty (30) days from the date of such order, the Public Officer may cause such structure to be removed or demolished.
1. The amount of the cost of such repairs, alterations or improvements or vacating, closing, boarding/securing, re-boarding/re-securing, or removal of demolition by the Public Officer shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his costs and the necessary attorney's fees, may be foreclosed in judicial proceedings, in the manner provided or authorized by law for loans secured by liens on real property or 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 such costs, and the County Clerk shall extend the same on the tax rolls of the County against such lot or parcel of land. If the structure is removed or demolished by the Public Officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition and, if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the Public Officer after deducting the costs of such judicial proceedings including his necessary attorney's fees incurred therein, as determined by the court.
- (e) Dangerous, unsafe or unsanitary structures; conditions defined. All buildings or structures which have any of the following defects shall be deemed "dangerous and unsafe buildings," provided that such conditions or defects exist to the extent that life, property or safety of the public or its occupants are endangered.
1. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
  2. Whenever any portion thereof has racked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds

or snow than is required in the case of similar new construction.

3. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, vandalism or faulty construction or the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or the deterioration, decay or inadequacy of its foundation or any other cause is likely to partially or completely collapse.
4. Whenever the building or structure, exclusive of foundation, shows substantial damage or deterioration of the supporting or non-supporting members, or enclosing or outside walls or wall coverings.
5. Whenever the building or structure has improperly distributed loads upon the floors or roofs, or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
6. Whenever any portion thereof has been damaged by fire, earthquake, tornado, wind, flood, vandals or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe or damage and is less than the minimum requirements for this code for similar new construction.
7. Whenever a door, aisle, passageway, stairway, fire escape or other means of egress is not of sufficient width or size or is damaged, dilapidated, obstructed or otherwise unusable or so arranged so as not to provide safe and adequate means of egress in case of fire or panic.
8. Whenever any portion or member or appurtenance thereof (i.e., porch, chimney, signs) is likely to fail or to become detached or dislodged or to collapse and thereby injure persons or damage property.
9. Whenever any building or structure has any portion, member or appurtenance or ornamentation on the exterior thereof which is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of safely resisting wind pressure or snow or other loads.
10. Whenever the building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, trash, filth, inadequate light, air ventilation or sanitation facilities or otherwise is determined to be unsafe, unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
11. Whenever, for any reason, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used.
12. Whenever the building or structure or land it occupies, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or

structure or land provided by this code or other applicable laws or ordinances of this state or City relating to the condition, use, location, maintenance of the building, structures or land.

13. Whenever the building or structure has become an attractive nuisance to children or is open to unauthorized or unlawful entry.
  14. Whenever the building or structure, because of obsolescence, dilapidated condition, deterioration, damage, trash and debris, unsafe exits, lack of sufficient fire-resistive construction, unsafe electrical wiring, gas connections or heating apparatus, previous fires or any other cause, is determined to be a fire hazard.
  15. Whenever the electrical system is totally or partially damaged, destroyed, removed or otherwise made inoperable, unsafe or hazardous.
  16. Whenever the plumbing system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsanitary.
  17. Whenever the mechanical system or any portion of the mechanical system is totally or partially damaged, destroyed, removed or otherwise made inoperable or unsafe.
  18. Whenever the building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
  19. Whenever any portion of a building or structure, including demolition debris and basement or foundation wall, remains on a site or partially completed buildings or structures when work is abandoned for six (6) months or more.
  20. Whenever the building or structure has been boarded/secured for more than twelve (12) consecutive months.
- (f) Service of complaint or order. Complaints or orders issued by the Public Officer pursuant to this Section shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once a week for two (2) consecutive weeks in the official newspaper of the City. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of District Court of Crawford County, Kansas, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.
- (g) Dangerous structures; posting notice. If, in the opinion of the Building Official or the Fire Chief, it shall be necessary to notify all occupants of such unsafe building to vacate the same and shall cause to be posted at each entrance to such unsafe building a notice

which shall read:

**DO NOT ENTER - UNSAFE FOR OCCUPANCY**

Fire Chief

Building Official

**of the City of Pittsburg, Kansas**

Such notice shall not be removed without the written permission of the Building Official or Fire Chief and shall remain posted until the required repairs or improvements are made or demolition is complete. No person shall enter such unsafe building or structure for any reason without written permission by the Building Official or Fire Chief.

- (h) Appeals to District Court. Any person affected by an order issued by the Public Officer may petition the District Court of Crawford County, Kansas (within thirty (30) days after the posting and service of the order), for an injunction restraining the Public Officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the Public Officer pending the final disposition of the case. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceedings. In all such proceedings, the findings of the Public Officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken pursuant to any order of the Public Officer or because of compliance by such person with any order of the Public Officer.
- (i) Additional powers. The Public Officer in this ordinance is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted:
  - 1. To investigate the structure conditions in the municipality in order to determine which structures are unfit for human use or habitation.
  - 2. To administer oaths, affirmations, examine witnesses and receive evidence.
  - 3. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
  - 4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this ordinance.
  - 5. To delegate any of his functions and powers under this ordinance to such officers,



agents and employees as he may designate.

- (j) Unlawful acts. It shall be unlawful for any person, firm, corporation, association or partnership to use or occupy any structure which has been found to be injurious to public health, safety, morals or welfare. Any person convicted of a violation of this Section shall, upon conviction, be guilty of an offense.

- (j) *Section 202* of the 2012 Edition of the International Building Code is hereby supplemented as follows:

*Section 202 Definitions.*

- (a) "Abandoned building" means a building which has stood unoccupied for longer twelve (12) months AND is either unsecured, secured by means of boarding as ordered by the Building Official, or is in a state of decay or partial ruin to such an extent that the structure is in need of substantial repair before it can be occupied.
- (b) "Boarding/securing" or "boarded"/"secured" means the closing, boarding, or locking of any or all exterior openings so as to prevent unauthorized entry into the structure.
- (c) "Secured building" means any building on which the roof, walls, foundation, basement, doors, windows, or other openings into the building are closed by any conventional methods used in the design of buildings or are boarded up with weather resistant/weather proofed plywood (minimum acceptable grade:  $\frac{3}{8}$ " CD exterior) cut to fit the opening it is securing and screwed at intervals not to exceed twelve (12) inches, so as to prevent access to the structure of inclement weather, animals, trespassers, children, or other persons not authorized to be on the premises.
- (d) "Unsecured building" means any structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which there are one or more unsecured openings such as broken windows, unlocked windows, broken doors, unlocked doors, holes in exterior walls, holes in foundation stem walls, holes in the roof, broken basement or cellar hatchways, unlocked basement or cellar hatchways, or other similar unsecured openings which would allow an unauthorized entry into the structure.
- (k) *Section 501.2* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 501.2 Address Identification.* New and existing buildings shall be provided with approved address numbers or letters by the provisions of City Code Sec. 74-165 through Sec. 74-166.

- (l) *Section 1608.2* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 1608.2 Ground snow loads.* The ground snow loads to be used in determining the design snow loads for roofs shall be twenty (20) pounds per square feet (psf) for the City of Pittsburg.

(m) *Section 1809.5* of the 2012 Edition of the International Building Code is hereby amended as follows:

*Section 1809.5 Frost Protection.* Footings and foundations and permanent supports of buildings and other structures shall extend a minimum of eighteen (18) inches below the adjacent finish grade or into undisturbed soil whichever is the greater depth.

(Ord. No. G-1006, § 4, 12-19-2006; Ord. No. G-1240, § 4, 11-24-2015, eff. 1-1-2016; Ord. No. G-1261, 10-25-2016)

Secs. 18-65—18-100. - Reserved.