

**ORDINANCE NUMER 571**

**AN ORDINANCE PROVIDING FOR THE DEMOLITION AND SITE CLEARANCE OF PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF WESTMORELAND; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

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

**Section 1. COMPLIANCE.**

Any person, business or other entity demolishing, destroying or removing a building, accessory use building, dwelling unit, greenhouse, manufactured home, mobile home, modular home, structure, etc., (hereinafter referred to collectively as "structure") or in any way modifying the structure's interior or exterior, even from its original location, or performing large scale yard work, within the city limits of Westmoreland, 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 Westmoreland, Kansas, shall conform to the requirements and ordinances of Westmoreland, any state or federal laws, rules or regulations and approved standards of safety for persons or property.

**Section 3. NOTIFICATION TO THE ZONING ADMINISTRATOR, PERMIT.**

No buildings or structures shall be demolished or razed from or upon any premises without first notifying the city zoning administrator of such intent to commence such work and obtaining from the City of Westmoreland a demolition permit prior to the demolition.

**Section 4. PRIOR TO OBTAINING A DEMOLITION PERMIT.**

Prior to obtaining a demolition permit under these regulations, Dig Safe must be contacted and provide marking of all lines, all public utilities shall be disconnected, the sewer, water and gas shall be capped. The owner shall cause the sewer line to the building or structure to be capped and such capping shall be inspected and approved by the zoning administrator. 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 completely 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 respective utility provider. 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 or her authorized representative shall afford protection to the general public. The City of Westmoreland is indemnified from the property owner or any of the worker's, contractors, subcontractors' negligence and/or failure to make the premises safe to the general public. Each property owner or person having control of the property shall be responsible and liable for any attractive nuisance to the general public.

**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.**

All work and placement of demolition dumpsters must occur on private property. Temporary placement of construction equipment or machinery and dumpsters on city streets, sidewalks and right-of-way's is not allowed.

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 zoning

administrator, 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 razed to at least (6) inches below final grade. Basement foundations shall be broken up and may be used to partially fill the basement. The top six (6) inches to finished grade on any type of foundation shall be fine dirt, free of large rocks and vegetation. All fill materials shall be compacted. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous conditions dangerous to the safety, health and welfare 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. PERMITS.**

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. Demolition permits will be valid for sixty (60) days from date of issuance. At the expiration of the sixty (60) days, the lot shall be restored to its original state, free and clear of any machinery, dirt, trash, dumpsters, etc. that are not in general compliance with the ordinances of the City of Westmoreland. City personnel shall inspect the premises for such compliance and the owner shall be assessed and pay at the time of inspection, a fee of one hundred dollars (\$100.00) to the City of Westmoreland.

**Section 9. PENALTIES.**

Any person or any agent for any business violating the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and may be sentenced to pay a fine of not more than five hundred dollars (\$500.00), or sentenced to a jail term of not more than one month, or both.

**Section 10. ABATEMENT.**

In addition to or as an alternative to any penalties as provided for in Section 9, 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.

**Section 11. ASSESSMENT OF COSTS.**

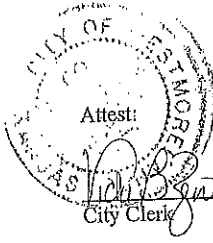
The cost to the city of any removal or demolition by the zoning administrator, including making the site safe and in compliance with this ordinance shall be reported to the city clerk. The city shall give notice to the owner of the property by restricted mail of the cost of removing the structure and 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.

**Section 12.** This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Passed and adopted by the City Council of Westmoreland, Kansas, this 10<sup>th</sup> day of October, 2019.

*Mark Peterson*  
Mayor

Attest:  
*Rich B. Sauter*  
City Clerk

The seal of the City of Wamego, Iowa, is circular. It features the text "CITY OF WAMEGO, IOWA" around the perimeter. In the center, there is a smaller circle containing the word "Attest:" above a signature.

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