

## Chapter 520

### DANGEROUS AND DAMAGED STRUCTURES

#### ARTICLE I

#### Property Maintenance Code

**Section 520.010. Property Maintenance Code Adoption.** [Ord. No. 1478 § 1, 10-3-2016<sup>1</sup>]

- A. A certain document, two (2) copies of which are on file in the office of the City Clerk of City of Mulvane, Kansas (the "City"), being marked and designated as the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City, in the State of Kansas for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
1. Section 101.1. Insert: City of Mulvane.
  2. Section [A] 102.3 Application of other codes shall be revised to read, repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, and NFP A 70.
  3. Section 103.5. Insert, Fees shall be established by a separate document approved by the Governing Body.
  4. Section 302.4. "Weeds" shall be excluded.
  5. Section 302.8 "Motor Vehicles" shall be excluded.
  6. Section 304.14. Insert: March 1 to October 31.
  7. Section 602.3. Insert: October through April.

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1. Editor's Note: See Editor's Note regarding repeal of this Chapter set out on Title V, Notes:1 page at the beginning of this Title.

8. Section 602.4. Insert: October through April.

**Section 520.015. Placarding Buildings, Structures And/Or Premises In Violation Of Chapter.** [Ord. No. 1478 § 1, 10-3-2016]

- A. In addition to giving notice of alleged violations as provided for in the International Property Maintenance Code as adopted herein, the Building Official may appropriately placard such buildings, structures and/or premises that have been determined to be in violation of any provisions of this Chapter. The placard shall, include, but not be limited to, a statement that the building, structure and/or premises is in violation of provisions of Chapter 520 of the Code of the City. If the building, structure or premises is vacant at the time of placarding or becomes vacant after placarding, it shall not be used for human habitation until the violations particularized in the notice have been corrected and written approval secured from and the placard removed by the Building Official. The Building Official shall remove such placard affixed under the provisions of this Section upon correction of all violations particularized in the notice.
- B. It shall be unlawful for any person other than the Building Official or his/her authorized representative to remove the placard from a building, structure or premises. Any person who violates this Section shall be guilty of a misdemeanor subject to the penalties as set forth in Section 520.020 of this Chapter.

**Section 520.020. Penalties.** [Ord. No. 1478 § 1, 10-3-2016]

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be fined in any sum not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed sixty (60) days, or be both fined and imprisoned.

ARTICLE II  
**Removal Of Damaged Structures**

**Section 520.030. Designation Of Enforcement Agent.** [Ord. No. 1478 § 1, 10-3-2016]

The Building Official and/or other persons designated by the Mayor are authorized to enforce the provisions of K.S.A. 12-1750, et seq.

**Section 520.040. Authority — Requirements Of Insurance Companies.** [Ord. No. 1478 § 1, 10-3-2016]

- A. Any insurance company liable for the payment of a claim of a named insured for a loss or damage to a building or other structure caused by or arising out of any fire, explosion or windstorm located within the City where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, shall comply with the following procedures:
1. The holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall be paid.
  2. The insurance company or companies shall withhold from the covered claim payment

- an amount not to exceed fifteen percent (15%) of the proceeds of any such payment, unless the Building Official has issued a certificate to the insurance company or companies that the insured has removed or will remove the damaged building or other structure, as well as all associated debris, and repair, rebuild, or otherwise make the premises safe and secure, pursuant to K.S.A. 40-3906, and amendments thereto.
3. Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms, except as otherwise provided herein.
  4. Upon transfer of the funds as required in Subsection (2) of this Section, said insurance company shall provide the City with the name and address of the insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the insurance company or companies and the insured or insureds. The City shall then notify the named insured or insureds by registered mail that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under these regulations.

**Section 520.050. Fire Insurance Proceeds Fund Established.** [Ord. No. 1478 § 1, 10-3-2016]

The City Treasurer is hereby authorized and does create a fund to be known as the Fire Insurance Proceeds Fund. All monies received by the City Treasurer, as provided for by this Article, shall be deposited in an interest-bearing account.

**Section 520.060. Receipt Of Insurance Proceeds — Duties Of City.** [Ord. No. 1478 § 1, 10-3-2016]

- A. Upon receipt of the insurance proceeds referred to above, the City Treasurer shall immediately notify the City Clerk of said receipt and transmit all documentation received from the insurance company or companies.
- A. Within twenty (20) days of the receipt of said monies, the Building Official shall determine whether the City shall initiate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended, and notify the City Treasurer of his/her decision. The Building Official shall commence proceedings not later than thirty (30) days after receipt of said funds by the City Treasurer.
- B. After the expiration of said thirty-day period or after being notified by the City that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall refund said monies, plus accrued interest to the insured or insureds as identified in the communication from the insurance company or companies.

**Section 520.070. Excess Proceeds Paid — Duty Of City.** [Ord. No. 1478 § 1, 10-3-2016]

If the Building Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all monies in excess of that which is ultimately necessary to comply with said provisions for the removal of the building or structure, less salvage value, shall be refunded to the insured.

**Section 520.080. Lien Established — Other Encumbrances — Other Rules And Regulations.** [Ord. No. 1478 § 1, 10-3-2016]

- A. The City in accordance with K.S.A. 40-3901 et seq., does hereby create and establish a lien in favor of said City in and to the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City caused by or arising out of any fire, insured natural disaster or explosion. Said lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon any real property by or on behalf of said City which is an encumbrance on real property without regard to whether evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one (1) year prior to the filing of a proof of loss.
- B. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.
- C. Pursuant to K.S.A. 40-3905, the City Clerk is hereby authorized and shall send a copy of this Chapter to the Commissioner of Insurance of the State of Kansas within fourteen (14) days after adoption.
- D. This Article shall apply to fire, natural disaster and explosion claims arising on all buildings or structures within the City. The Mayor is hereby authorized to promulgate reasonable regulations to carry out the provisions hereof.

This Article shall not make the City a party to any insurance contract, nor is any insurer herein liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.