

ORDINANCE NO. 2569

AN ORDINANCE CREATING A BOARD OF BUILDING CODE APPEALS OF THE CITY OF GARDNER, KANSAS.

WHEREAS, The 2012 International Building Code was adopted by the City of Gardner on March 18, 2013 and made effective April 1, 2013, by Ordinance No. 2423.

WHEREAS, Section 113 of the 2012 International Building Code requires the establishment of a Board of Building Code Appeals.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Board of Building Code Appeals - Qualifications. A Board of Building Code Appeals of the City is hereby established consisting of five members to advise the City Council on matters pertaining to changes and or improvements of the construction and reconstruction of facilities. Preferred members shall be at least 18 years of age, a registered voter, and be a resident of the City of Gardner, or be otherwise connected to the community in terms of property ownership, business affairs or by offering a unique and necessary expertise. One member must have experience in electricity, one member must have experience in plumbing, and one member must have experience in heating and air conditioning. The remaining two members do not need experience in a particular area.

SECTION TWO: Same - Terms-Vacancies. One member shall be appointed for a term of one year, two members for a term of two years, and two members for a term of three years. Thereafter, all appointments shall be for three-year terms. In the event of vacancies, the appointments shall be for the unexpired terms. Members shall serve without compensation. Vacancies shall be filled using the procedures established in the *Governing Body Rules of Procedure*, Chapter 2, Section H.

SECTION THREE: Same – Meetings – Quorum. The Board of Building Code Appeals herein established shall hold meetings as required and within the time constraints of City Code, including any Building Code adopted and incorporated within the City Code by reference. Meetings are set by the Chairman in coordination with City staff. Meetings shall be held in the City Hall Council Chambers. All meetings, including notice of such meetings, of the Board of Building Code Appeals shall be in conformance with the Kansas Open Meetings Act, K.S.A. 75-4317 et seq. A quorum of the Board of Building Code Appeals is by a majority of the members then appointed. Minutes shall be kept of all Board meetings.

SECTION FOUR: Same – Oaths. Each member of the Board of Building Code Appeals shall subscribe to an oath before entering upon his/her duties as a member of said Board of Building Code Appeals.

SECTION FIVE: Same – Duties. The Board of Building Code Appeals will consider and make decisions regarding appeals of the City's actions in administering the Building Code and variances from the specific requirements of the Building Code in accordance with the procedures established within the Building Code.

SECTION SIX: Applications for Appeal. An application for appeal shall be based on a claim that the true intent of this Building Code or the rules legally adopted thereunder have been

incorrectly interpreted, the provisions of the Building Code do not fully apply or an equally good or better form of construction is proposed. The Board of Building Code Appeals shall have no authority to waive requirements of the Building Code

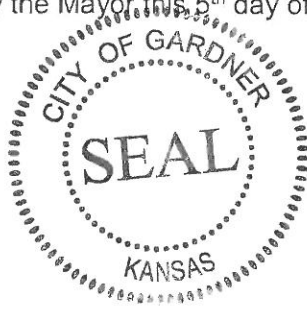
SECTION SIX: Any ordinance not in conformity herewith is hereby repealed or amended to conform hereto

SECTION SEVEN: This ordinance shall take effect and be in force on March 5, 2018.

PASSED by the City Council this 5th day of March, 2018.

SIGNED by the Mayor this 5th day of March, 2018.

(SEAL)



CITY OF GARDNER, KANSAS



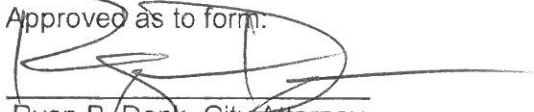
Steve Shute, Mayor

Attest:



Amy Waller, City Clerk

Approved as to form.



Ryan B. Denk, City Attorney