

ORDINANCE NO. 2675

AN ORDINANCE AMENDING CHAPTERS 2.60.010, 2.60.020(M), 2.60.050, AND 2.60.060 OF THE GARDNER MUNICIPAL CODE CONCERNING THE BOARD OF BUILDING CODE APPEALS

WHEREAS, the Governing Body of the City of Gardner, Kansas has determined that it is necessary to amend certain sections of the Gardner Municipal Code concerning the Board of Building Code Appeals of the City of Gardner, Kansas.

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

SECTION ONE: GMC Chapter 2.60.010 is hereby amended to read as follows:

Established – 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, however, selecting one member with experience in fire engineering, fire design, or fire protection shall be preferred.

SECTION TWO: GMC Chapter 2.60.020(M) is hereby amended to read as follows:

M. Fire Code Official. The Fire Code Official as defined in GMC 15.25.020(B), shall attend all meetings of the Building Code Board of Appeals convened for appeals regarding GMC Chapter 15.25, Fire Code. The Fire Code Official's attendance shall be in an ex officio capacity only, and said Fire Code Official shall not have a vote on any matter before the Board. The Fire Code shall be provided with a written copy of all Board decisions and findings for appeals regarding GMC Chapter 15.25, Fire Code.

SECTION THREE: GMC Chapter 2.60.050 is hereby amended to read as follows:

Duties. The Board of Building Code Appeals will consider and make decisions regarding appeals of the City's actions in administering GMC Title 15, Buildings and Construction, specifically Chapters 15.05, Building Code, 15.15, Electric Code, 15.25, Fire Code, 15.30, Fuel Gas Code, 15.35, Property Maintenance Code, 15.40, Mechanical Code, 15.45, Plumbing Code, and 15.50, Residential Code, and variances from the specific requirements of GMC Title 15, Buildings and Construction, specifically Chapters 15.05, Building Code, 15.15, Electric Code, 15.25, Fire Code, 15.30, Fuel Gas Code, 15.35, Property Maintenance Code, 15.40, Mechanical Code, 15.45, Plumbing Code, and 15.50, Residential Code, in accordance with the procedures established in GMC 15.05.020(J)

SECTION THREE: GMC Chapter 2.60.060 is hereby amended to read as follows:

Applications for appeal. An application for appeal shall be based on a claim that the true intent of GMC Title 15, Buildings and Construction, specifically Chapters 15.05, Building Code, 15.15, Electric Code, 15.25, Fire Code, 15.30, Fuel Gas Code, 15.35, Property Maintenance Code, 15.40, Mechanical Code, 15.45, Plumbing Code, and 15.50, Residential Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of GMC Title 15, Buildings and Construction, specifically Chapters

15.05, Building Code, 15.15, Electric Code, 15.25, Fire Code, 15.30, Fuel Gas Code, 15.35, Property Maintenance Code, 15.40, Mechanical Code, 15.45, Plumbing Code, and 15.50, Residential 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 GMC Title 15, Buildings and Construction, specifically Chapters 15.05, Building Code, 15.15, Electric Code, 15.25, Fire Code, 15.30, Fuel Gas Code, 15.35, Property Maintenance Code, 15.40, Mechanical Code, 15.45, Plumbing Code, and 15.50, Residential Code.

SECTION FOUR: Effective Date. This Ordinance shall take effect and be in force upon its passage by the City Council and publication in the official City Newspaper as required by law.

PASSED by the City Council this 8th day of September, 2020.

SIGNED by the Mayor this 8th day of September, 2020.

(SEAL)

CITY OF GARDNER, KANSAS

/s/
Steve Shute, Mayor

Attest:

/s/
Sharon Rose, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney