

CHAPTER XIII. STREETS AND SIDEWALKS

- Article 1. Sidewalks
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ARTICLE 1. SIDEWALKS

- 13-101. **SIDEWALK GRADE; PERMIT.** All sidewalks constructed or reconstructed shall be constructed on the established grade. Where no grade has been established, the owner of abutting property may construct a sidewalk on the natural grade, but before any such sidewalk shall be constructed, the person proposing to do the same shall apply to the city clerk for a permit before commencing the work. If the grade has been established, the superintendent of streets and parks shall furnish the property owner with the official grade by reference to a stated distance above or below the street grade. (K.S.A. 12-1801; Code 1965, 13-101)
- 13-102. **SIDEWALK SPECIFICATIONS.** Hereafter all sidewalks shall be constructed and laid in accordance with standard plans and specifications which plans and specifications are incorporated by reference herein and on file in the office of the city clerk as provided by law. It shall be unlawful for any person, firm or corporation to construct, reconstruct or repair any sidewalk except as provided by this article. (K.S.A. 12-1802; Code 1965, 13-102)
- 13-103. **PETITION.** When a petition signed by not less than 10 citizens owning real estate in any ward of the city, praying for the construction of a sidewalk or sidewalks is filed with the city clerk, the governing body may in its discretion, by resolution, order such sidewalk constructed as herein provided. (K.S.A. 12-1803; Code 1965, 13-103)
- 13-104. **CONDEMNATION AND RECONSTRUCTION OF SIDEWALKS.** When any sidewalk, in the opinion of the governing body, becomes inadequate or unsafe for travel thereon, the governing body may adopt a resolution condemning such walk and providing for the construction of a new walk in the place of the walk condemned. (K.S.A. 12-1804; Code 1965, 13-104)
- 13-105. **NOTICE: PUBLICATION; CONSTRUCTION BY CONTRACT.** The resolution providing for the construction or reconstruction of a sidewalk, as the case may be, shall give the owner of the abutting property not less than 30 days nor more than 60 days, after its publications one time in the official city paper, in which to construct or cause to be constructed or reconstructed the sidewalk at his or her own expense. If the sidewalk is not constructed by the property owner within the time specified, the governing body shall cause the work to be done by contract. (K.S.A. 12-1805; Code 1965, 13-105)

- 13-106. **REQUEST TO CITY BY ABUTTING OWNER, WHEN.** Nothing in this article shall be construed to prohibit the owner of property abutting on a street, who desires to construct or reconstruct a sidewalk at his or her own expense and in accordance with official plans and specifications for the purpose and which meets such other requirements as would have to be met if the sidewalk was constructed or reconstructed by the city, to construct or reconstruct a sidewalk without any petition or a condemning resolution adopted by the governing body: provided, that if such property owner desires the sidewalk to be constructed or reconstructed by the city and an assessment levied as provided by law in other cases, he or she shall file a request with the governing body and the governing body in its discretion may provide for the construction or reconstruction of the sidewalk requested in the same manner as in other cases where citizens or taxpayers petition to the governing body. (K.S.A. 12-1806; Code 1965; 13-106)
- 13-107. **REPAIRS BY OWNER OR CITY.** It shall be the duty of the owner of abutting property to keep the sidewalk in repair, but the city may, after giving five days' notice to the owner or his or her agent, if known, of the necessity for making repairs and without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. The same shall be done and the cost thereof assessed against the lot or piece of land abutting on the sidewalk so repaired as may be provided by law. (K.S.A. 12-1808; Code 1965, 13-107)
- 13-108. **PERFORMANCE BOND; STATUTORY LIEN BOND.** In any case where the reconstruction or construction of a sidewalk is required to be done by contract so provided in section 13-105 hereof, the city may require the contractor to give a bond with good and sufficient surety for the faithful performance of the contract and for the construction of the sidewalk in accordance with the plans and specifications, ordinances of the city or laws of Kansas: provided, that the city commission may waive the requirement of a performance bond. For all contracts exceeding \$10,000 entered into by the city for any such purpose, a public works bond as required by K.S.A. 60-1111 shall be furnished. (Code 1965, 13-108; Code 1984)
- 13-109. **SIDEWALK: OBSTRUCTIONS ON SURFACE.** It shall be unlawful for the owner of any property having a sidewalk adjacent thereto to permit any plank, brick, stone or segment of the sidewalk to be raised above the established level of the sidewalk more than one-half inch, in any manner which might catch the foot of a pedestrian, or to permit any holes or depressions to occur in the sidewalk in which a pedestrian might drop or catch his or her foot in a manner liable to cause injury. Any person convicted of violating any of the provisions of this section shall be fined not less than \$5 nor more than \$100. (Code 1965, 13-209)
- 13-110. **SIDEWALKS: EARTH WASHING THEREON.** Whenever any lot or piece of land abutting on any sidewalk in the city shall become or remain in such condition that earth or other substance therefrom shall accumulate on such sidewalk and the owner of such lot or piece of land shall refuse or neglect to place the same in such condition as to prevent such washing or accumulating on such sidewalk, such owner shall, upon conviction thereof, be fined not less than \$2 nor more than \$50

and each day that such owner shall refuse or neglect to abate the condition, after notice from the city clerk, shall constitute a separate offense. (Code 1965, 13-210)

- 13-111. RIDING VEHICLES ON SIDEWALK. Any person who shall ride or cause to be ridden upon the sidewalks of the city any vehicle including bicycles and motorcycles, shall, upon conviction thereof, be fined not less than \$1 nor more than \$25. (Code 1965, 13-211)
- 13-112. SIDEWALK SIGNS. It shall be unlawful for any person to erect any sign or other structure for advertising or other purposes across, or upon any street or sidewalk, unless the same is eight feet or more above the sidewalk or street: provided, that no sign larger than three feet in size shall be constructed with the permission of the governing body first having been secure: provided further, that all persons or firms desiring to construct signs or other structures weighing more than 50 pounds over any sidewalk, or upon any building in the city, shall execute to the city a good and sufficient surety bond to hold the city free and harmless from any damage done to persons or property, should such sign or structure fall, be blown down, or otherwise dislocated. Any person convicted of violating any of the provisions of this section shall be fined not less than \$5 nor more than \$50. (Code 1965, 13-212)
- 13-113. PENALTY. Any person, firm or corporation violating any of the provisions of this article or failing or refusing to perform any of the duties imposed by this article shall, upon conviction thereof, be fined in any sum not less than \$10 or more than \$100, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned. (Code 1965, 13-109)

ARTICLE 2. GENERAL STREET REGULATIONS

- 13-201. OBSTRUCTING PUBLIC WAYS. It shall be unlawful for any person to obstruct any street, alley, sidewalk or public ground except when permission shall have been obtained from the governing body. (Code 1965, 13-201)
- 13-202. OBSTRUCTING DRAINAGE. It shall be unlawful for any person to place in or fill with concrete, dirt, planks, stones, snow, ice or other materials any drainage ditch, or to bridge any gutter or in any manner change the course of any drainage ditch or obstruct any open drain in the city. (Code 1965, 13-202)
- 13-203. DRIVING OVER CURBS. It shall be unlawful for any person to drive or back, any vehicle over or across any curb or curb and gutter or sidewalk where there is no established or improved driveway entrance or drive across any sidewalk when the same is not constructed as a part of the driveway entrance unless such curb or curb and gutter or sidewalk is temporarily bridged by the use of planks of sufficient size and number so that no weight shall be imposed upon the curb or curb and gutter or sidewalk: provided, that such bridging shall not obstruct drainage. (Code 1965, 13-203)

- 13-204. **BARRIERS AND GUARDS.** It shall be the duty of every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street in the city, during the progress of such work, to cause such excavation to be securely guarded by a fence with at least three strings of good six inch boards nailed not less than 18 inches apart to posts firmly set in the ground, or otherwise securely fixed in place; such posts to be not more than six feet apart, and the top of the highest post shall be not less than four and one-half feet from the surface of the sidewalk or street, and from one-half hour after sunset to one-half hour before sunrise to illuminate such excavation or obstruction with red lights sufficient in number and so placed as to show the full extent thereof. Any person or persons convicted of violating any of the provisions of this section shall be fined not less than \$5 nor more than \$100. (Code 1965, 13-204)
- 13-205. **REMOVING BARRICADES.** It shall be unlawful for any person to remove, throw down, run over or interfere with any barricade or barricades erected by the city or any contractor executing a municipal contract, placed to guard and protect any grading, paving, sidewalk construction or other public work, and any person or persons who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment for not less than five days, nor more than 60 days, or by both such fine and imprisonment. (Code 1965, 13-205)
- 13-206. **MOLESTING UNFINISHED PAVING.** Any person or persons who shall walk upon, drive or ride across any pavement, in course of construction before the same has been opened for public travel, any uncompleted grading or sidewalk which has not been opened for travel, shall, upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment for not less than five days, nor more than 60 days, or by both such fine and imprisonment. (Code 1965, 13-206)
- 13-207. **AWNINGS.** It shall be unlawful to construct or install or cause to be constructed, installed, or maintained any awning which is supported in whole or in part by posts, or other supports set into the sidewalk, street, or parking. Any person, firm or corporation who shall violate the provisions of this section shall be fined by not less than \$10 nor more than \$100. (Code 1965, 13-207)
- 13-208. **HAULING REFUSE: VEHICLES; LITTERING.** It shall be unlawful for any person, firm or corporation to haul garbage, trash or loose waste materials of any kind over the streets or public ways of the city, except in a vehicle so closed and covered as to prevent the loss of or escape of any refuse during transit, or except in closed and covered containers which will prevent the loss of or escape of any refuse during transit. (Code 1965, 13-208)
- 13-209. **TREES OVERHANGING SIDEWALK OR STREET.** It shall be unlawful for the owner of any tree growing on private property or on the parking adjacent thereto to permit the limbs or branches of such tree to overhang any sidewalk closer than eight feet above such walk and any street closer than twelve feet above such street. Any person convicted of violating any of the provisions of this

section shall be fined not more than \$100. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord 785)

- 13-210. **ENCROACHMENT ON HIGHWAY 24.** It shall hereafter be unlawful for any person, firm, association or corporation to place or permit to exist encroachments of any kind or character whatsoever upon or within the limits of U.S. 24 Highway. (Code 1965, 13-215)
- 13-211. **MAINTENANCE OF EASEMENTS.** The maintenance of the easement between private property and street is the responsibility of the owner of the private property abutting the easement. (Ord. 503, Sec. 1)
- 13-212. **CHANGES IN EASEMENTS.** No changes will be made in any easement without first obtaining permission from the governing body. Changes would cover the planting of trees, other planting, graveling, fencing, or changing the contour of the land. (Ord. 503, Sec. 2)
- 13-213. **SAME; PENALTIES.** Should the provisions of sections 13-211:212 not be complied with, the property owner or owners involved will be given 10 days to comply. After 10 days, the governing body will cause any work or repair to be done to bring the easement into compliance with these sections. The governing body will then assess the cost thereof against the lot or piece of land abutting the easement. (Ord. 503, Sec. 3)

ARTICLE 3. SNOW AND ICE

- 13-301. **DUTY OF OWNER OR OCCUPANT.** It is hereby made the duty of the owner and of the occupant of any lot abutting upon any sidewalk to cause to be removed from such sidewalk all snow and ice accumulated thereon;
- (a) **Residential Property.** It shall be unlawful for the owner of record and occupant of any property zoned as residential immediately adjacent to a public sidewalk on public right of way to fail to remove from the sidewalk, within 48 hours after the end of a snow or ice event, any snow or ice accumulated on such sidewalk or obstructing any such sidewalk.
 - (b) **Multifamily, Commercial and Nonresidential Property.** It shall be unlawful for the owner of record and occupant of any property zoned multifamily, commercial or nonresidential immediately adjacent to a public sidewalk on public right of way to fail to remove from the sidewalk, within 24 hours after the end of a snow or ice event, any snow or ice accumulated on such sidewalk or obstructing any such sidewalk.
 - (c) It shall be unlawful to push, plow or otherwise move snow and/or ice which has accumulated in a public or private parking area, sidewalk, driveway, or roof onto any public sidewalk, alley, public street, street right-of-way, or handicapped stall.

- 13-302. FAILURE TO REMOVE, CITY TO REMOVE, CITATION. If any owner or occupant of any property immediately adjacent to a public sidewalk on public right of way shall refuse or neglect to remove from sidewalk all snow or ice within the time specified, the City may;
- (a) If snow or ice constitutes a threat to public health and safety, the City may cause such snow and ice to be removed. The costs of said snow or ice removal shall be charged to the owner of the property and shall include a reasonable administrative fee.
 - (b) Issue citation to owner or occupant that property is in violation of this article and that person receiving such citation shall, within 30 days, appear in the municipal court of the city to answer the charge of failure to remove snow and ice in violation of the laws of the city.

- 13-303. PENALTIES. The following fine schedule is hereby adopted for a violation by any property owner or occupant who violates the provisions of this article.
- (a) Minimum fine of twenty dollars per violation with maximum fine of fifty dollars.
 - (b) Minimum fine of fifty dollars per violation and maximum fine of one hundred dollars for a second or subsequent violation within a continuous 12-month period of the first violation.