

ARTICLE 1. SIDEWALKS

15-101. **SIDEWALK CONSTRUCTIONS; PERMITS.** New construction of residential and commercial projects must include construction of sidewalks adjacent to the front and side streets in an approved location that meets the requirement of this code and codes referenced by this code. (Ord. 1039)

15-102. **LOCATION AND GRADE.** The location and grade requirements for sidewalks in the city shall be as follows:

(a) Residential sidewalks shall be located one foot or less outside the abutting property line or in line with existing walks or adjacent and contiguous with the curbing;

(b) Business district sidewalks shall be laid solid from the property or building line to the curb;

Where practicable all sidewalk slabs shall slope toward the curb one-fourth inch to one foot. (R.O. 1960, Sec. 14-102)

15-103. **SIDEWALK SPECIFICATIONS.** No sidewalk hereafter constructed or reconstructed in the city shall be less than four feet wide and four inches in thickness. Wherever driveways shall cross sidewalks they shall be not less than six inches thick and shall be reinforced with wire mesh no smaller than 10 gauge and with a mesh six inches by six inches or closer. Slabs shall be cut through at five foot intervals and shall contain expansion joints each 25 feet. Sidewalks shall be on a well-compacted earth base. Concrete used in sidewalks shall be in accordance with standard concrete specifications as provided in section 15-104. (Ord. 1044, Sec. 1)

15-104. **CONCRETE SPECIFICATIONS.** All concrete hereafter placed on any sidewalk shall conform to specifications as follows:

Concrete shall be mixed in proportion, of one part Portland cement to five parts clean sharp sand and gravel. Care shall be used to keep forms true to line and grade and all work shall be one course concrete, finished with a belt, brush or other method so as to insure good, nonskid surfaces. No top course or slick finish will be allowed. (R.O. 1960, Sec. 14-104)

15-105. **SIDEWALK CONSTRUCTION: PETITION.** When a petition signed by not less than 10 citizens owning real estate in a precinct or ward of this city, praying for construction of a sidewalk or sidewalks in such precinct or ward is filed with the city clerk, the governing body

may, in its discretion, by resolution, order such sidewalk or sidewalks constructed. (K.S.A. 12-1803; R.O. 1960, Sec. 14-105)

- 15-106. CONDEMNATION AND RECONSTRUCTION. 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 place of the walk condemned. (K.S.A. 12-1804; R.O. 1960, Sec. 14-106)
- 15-107. CONSTRUCTION OR RECONSTRUCTION PROCEDURE. The resolution providing for the construction or reconstruction of a sidewalk shall give the owner of the abutting property not less than 30 days nor more than 60 days after its publication in which to construct or cause to be constructed or reconstructed the sidewalk at his own expense. Such resolution shall be published once in the official city paper, or, if none, then in a paper of general circulation in the city. 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 and the costs thereof shall be assessed against the property abutting on such sidewalk. (K.S.A. 12-1805, 12-1809; R.O. 1960, Sec. 14-107)
- 15-108. REPAIR: DUTY OF OWNER. It shall be the duty of the owner of the abutting property to keep the sidewalk in repair, but the city engineer, or city clerk may, after giving five days' notice to the owner or his agent, if known, of the necessity therefor, and without notice if the lot or price of land is unoccupied, make all necessary repairs at any time. Repairs may be made by force account or by contract and an account of the cost thereof shall be kept and reported to the governing body and such costs shall be assessed against the lot or price of land abutting on the sidewalk so repaired, in the manner provided by law. (K.S.A. 12-1808; R.O. 1960, Sec. 14-108)
- 15-109. CONFORMITY WITH PLANS AND SPECIFICATIONS. Any property owner, person or contractor who shall construct, reconstruct or repair any sidewalk in violation of the plans and specifications adopted by the governing body or provisions of this article, shall, upon conviction thereof, be punished by a fine of not more than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment and the sidewalk may be condemned by the governing body of the city and torn out and rebuilt and in the case of the contractor, no payment shall be due or made for such improperly constructed sidewalks: Provided, That if the governing body believes that the sidewalk as constructed is as good as a sidewalk meeting the required specifications, it may accept the sidewalk as constructed. (R.O. 1960, Sec. 14-109)

15-110. FEES PAID TO CITY CLERK. Any person desiring to obtain a permit to cut pavement as provided for in this article shall pay the amount stipulated herein to the city clerk and all fees thus collected by the city clerk shall be credited to the street department of the city, and all expenses of replacing the pavement cut under the provisions of this article, shall be charged to the street department. (R.O. 1960, Sec. 14-206)

15-111. PENALTY. Any person making excavations in the streets, alleys or public grounds of the city without first complying with the provisions of this article, or who violates any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$100 and shall stand committed until such fine is paid. (R.O. 1960, Sec. 14-207)