

ORDINANCE NO. 576

**CONSTRUCTION AND REPAIR OF SIDEWALKS
AN ORDINANCE OF THE CITY OF SEDGWICK, HARVEY AND
SEDGWICK COUNTIES, KANSAS ESTABLISHING CERTAIN
REQUIREMENTS FOR THE CONSTRUCTION, RECONSTRUCTION OR
REPAIR OF SIDEWALKS WITHIN THE CITY.**

Section 1. Permit required.

It shall be unlawful for any person to construct, reconstruct or repair any sidewalk without first obtaining a permit therefore from the City engineer. Such work shall be done in accord with the plans and specifications set forth in this article. Such sidewalk shall be built under the inspection and direction of the City Engineer.

Section 2. Plans and specifications.

All sidewalks constructed, reconstructed or repaired in the city shall be constructed, reconstructed or repaired in accord with the plans and specifications for the construction, repair and reconstruction of sidewalks, including width and location, a copy or copies of which are on file in the office of the City Clerk and in the office of the City Engineer, which plans and specifications are hereby adopted and incorporated herein by reference.

Further, Sedgwick City Resolution No. 020596 dealing with general guidelines and City funding participation for replacement of existing sidewalks is incorporated herein by reference and should be reviewed when undertaking any sidewalk reconstruction or repair.

State law reference-Authority for this section, K.S.A. 12-1802.

Section 3. Sidewalk construction required.

(a) Whenever sidewalks are required to be constructed within the city as a part of a street improvement project, such sidewalks may either be constructed at the same time the street is constructed, or on a schedule as set forth in the remainder of this section.

(b) If sidewalks required as a part of a street project are not constructed at the same time as the street, the City Engineer, at the time of the street project shall designate the location of the sidewalks required as a part of such project and the description of property which abuts said location. Notice of such designation shall be filed with the appropriate Register of Deeds in substantially the following form:

NOTICE

You are hereby notified that owners of the following described property are hereby required to construct sidewalks on the public right of way adjacent to such property pursuant to Section ___ of the Code of Ordinances of the City of _____, Kansas, to Wit: (here describe the property).

City Engineer/City Superintendent

STATE OF KANSAS)

) SS:

COUNTY OF _____

BE IT REMEMBER that on this _____ day of _____, 1996, before me the undersigned, a notary public in and for the state and county aforesaid, came _____, City Engineer, for the City of _____, Kansas, and duly acknowledged his execution of the above Notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public

My commission expires: _____

(c) The failure of the City Engineer to file the notice required by subsection(b)., or the erroneous, filing of such notice, shall not affect the property owners responsibilities as set forth herein after.

(d) The owner of property, which abuts the location of sidewalks designated by the City Engineer, shall construct such sidewalk at the time of any improvement requiring a building permit is placed upon such property. No building permit shall be issued for any improvement upon such property without requiring the construction of such sidewalk as a part thereof. In the event no building permit has been applied for within two (2) years of the date of the City accepted the street improvement project, as complete, such owner shall construct such sidewalk no later that thirty (30) days after the expiration of such two (2) years. Such time may be extended by the City Engineer for just cause.

(e) In the event any owner or property fails to comply with subsection(d)., the city may send such owner written notice of such failure. Such notice may be sent to the address of the owner, as reflected in the tax records concerning the subject property. If no address for such owner is know, the notice may be posted on the property itself. If said owner continues to fail to comply with subsection(d) for thirty (30) days after the mailing of said notice, or the posting of such notice, the City may proceed to construct the sidewalk and assess all costs therefore against the subject property pursuant to K.S.A. 12-6a17.

Section 4. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

(a) Corner shall mean a point of intersection of the lines of two (2) street curb faces extended into the street intersection.

(b) Curb parking space shall mean the length of the curb equal to twenty (20) feet where an automobile or other vehicle can park parallel thereto.

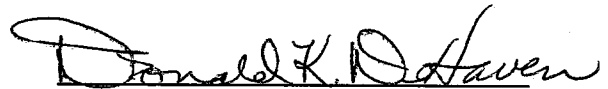
(c) Curb return shall mean the portion of a curb nearest to a driveway entrance which includes the radius of curvature, or the ramp-type lug or commercial or industrial type pavements and which connects the driveway entrance to the street curb.

(d) Driveway shall mean a place on private property for the operation of automobiles and other vehicles.

Section 5.


This ordinance shall take effect and be in force from and after its adoption and publication one time in the official City newspaper, The Harvey County Independent.

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK,
KANSAS THIS 20th DAY OF MAY, 1996.**



Donald K. DeHaven, Mayor

ATTEST:


Jaclyn Reimer, City Clerk