**CHAPTER XIII: STREETS AND SIDEWALKS**

Article

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2. **STREETS**
3. **TREES AND SHRUBS**
4. **SNOW AND ICE**

**Ransom – Streets and Sidewalks**

**ARTICLE 1: SIDEWALKS**

Section

 13-101 Approval required

 13-102 Sidewalk grade

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 13-107 Right of abutting owner

 13-108 Repairs by owner or city

 13-109 Performance, statutory bond

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**§ 13-101 APPROVAL REQUIRED.**

 It shall be unlawful to construct any sidewalk within the city until the plans first have been approved by the governing body and issue a work order by the City Clerk.

**§ 13-102 SIDEWALK GRADE.**

 Hereafter, all sidewalks constructed or reconstructed in the city shall be constructed on the established grade. When the governing body shall order a sidewalk constructed as hereafter provided, the city shall pay the cost of bringing the street to grade for the sidewalk. Where no grade has been established, the owner of abutting property may construct a sidewalk on the natural grade. If the grade has been established, the City Clerk shall furnish the property owner with the official grade by reference to a stated distance above or below the street grade.

(K.S.A. 12-801, 12-807)

**§ 13-103 SAME; SPECIFICATIONS.**

 Hereafter, all sidewalks shall be of single-course construction and shall be constructed and laid in accordance with standard plans and specifications hereby adopted by reference and filed in the office of the City Clerk as provided by K.S.A. 12-1802. It shall be unlawful for any person, firm or corporation to construct, reconstruct or repair any sidewalk except as provided by this article.

**§ 13-104 SAME; PETITION.**

When a petition signed by no fewer than ten citizens owning real estate in the city requesting construction of a sidewalk is filed with the City Clerk, the governing body may in its discretion, by a resolution, order such sidewalk constructed as herein provided.

(K.S.A. 12-1803)

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**§ 13-105 SAME; CONDEMNATION, 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 sidewalk and providing for the construction of a new sidewalk in the place of the sidewalk condemned.

(K.S.A. 12-1804)

**§ 13-106 NOTICE, PUBLICATION.**

 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 no more than 60 days after its publication one time in the official city paper in which to construct or cause to the constructed or reconstructed the sidewalk at is or her own expense. If the sidewalk is not constructed b the property owner within the time specified, the governing body shall cause the work to be done by contract.

(K.S.A. 12-1805)

**§ 13-107 RIGHT OF ABUTTING OWNER.**

 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 meet such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the city, to construct or reconstruct a sidewalk without any petition or a condemning resolution by the governing body. If such property owner desires the sidewalk to be constructed and reconstructed by the city and an assessment levied as provided by l law in other cases, he or she shall file a request with the governing body. 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 the governing body.

(K.S.A. 12-1806)

**§ 13-108 REPAIRS BY OWNER OR CITY.**

 It shall be the duty of the owner of the 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 or without notice if the not 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)

**Sidewalks**

**§ 13-109 PERFORMANCE, STATUTORY BOND.**

 In any case where the reconstruction or construction of a sidewalk is required to be done by contract as provided in § 13-106 hereof, the governing body may require the contractor to give a bond 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 the state, and for all controls exceeding $1,000 entered into by the city for any such purpose, a stator lien bond required by K.S.A. 60-1111 shall be furnished.

**§ 13-110 OBSTRUCTING SIDEWALKS.**

 It shall be unlawful for any person to build or construct any step or other obstruction, whether temporary or permanent, or to store, leave or allow to be left any implements, tools, merchandise, goods, containers, benches, display or show cases, on any sidewalks or other public ways in the city or to obstruct the same longer than is necessary for loading or unloading any such article or object.

**§ 13-111 SAME; EXCEPTION.**

 The governing body may authorize the granting of temporary permits in connection with a building or moving permit for limited times only to the owner of property abutting on any sidewalk to use or encumber such sidewalk or public way of the city during the construction of any building or improvement thereon. No permit shall be issued for such purpose until plans for warning and safeguarding the public during such se of sidewalks shall have been submitted by the owner or his or her contractor and approved by the governing body.

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**ARTICLE 2: STREETS**

Section

 13-201 Excavation approval

 13-202 Same; bond

 13-203 Same; filed

 13-204 Same; barricades

 13-205 Same: unlawful acts

 13-206 Cutting curbs; pavement

 13-207 Altering drainage

 13-208 Unfinished pavement

 13-209 Using streets

 13-210 Dangerous objects in

 13-211 Petroleum products in streets

 13-212 Discharging water on streets

 13-213 Burning in streets

 13-214 Throwing in streets

 13-215 Hauling loose material

 13-216 Alleys

**§ 13-201 EXCAVATION APPROVAL.**

 No person, other than authorized city employees, shall dig or excavate any hole, ditch, trench or tunnel in or under any street, alley, sidewalk, park or other public property or public easement through private property without first having secured approval for such excavation. Application for approval shall be made to the City Clerk.

**§ 13-202 SAME; BOND.**

1. No approval authorized in this article shall be issued until the applicant has given to the city a good and sufficient bond in the sum of $10,000 conditioned that the applicant will faithfully comply with all the terms and conditions of this article, and will indemnify and hold the city harmless against all costs, expenses, damages and injuries by persons or by the city sustained by reason of the carelessness or negligence of the approval holder. No bond for this purpose shall run for longer than two years without being renewed. The bond shall remain in full force and effect as to each excavation for two years after the same has been made or completed.
2. Any utility operating under a franchise or a contractor under contract with the city for municipal improvement shall not be required to give bond as provided in division (a) above.
3. Each bond given under this section shall be approved by the City Attorney and filed with the City Clerk.

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**§ 13-203 SAME; FILED.**

**§ 13-204 SAME; BARRICADES.**

 Any person to whom an excavation approval is issued shall enclose all evacuations that he or she make with sufficient barricades and danger signs at all times, and shall maintain sufficient warning lights or flares at nighttime. The holder of an excavation approval shall take all necessary precautions to guard the public against all accidents from the beginning of the work to the completion of the same.

**§ 13-205 SAME; UNLAWFUL ACTS.**

 It shall be unlawful for any person, except those having authority from the city or any officer thereof to throw down, interfere with or remove any barriers, barricades or lights placed in any street to guard and warn the traveling public of any construction work thereon or adjacent thereto.

**§ 13-206 CUTTING CURBS; PAVEMENT.**

1. No person shall cut any curb, gutter, pavement, blacktop or sidewalk, or excavate any street, alley or other public grounds of the city for any purpose without first obtaining approval authorizing the same from the City Council.
2. Once the work for which the excavation was made has been completed, the city shall restore the pavement, blacktop, sidewalk or other surfacing at the expense of the person from whom the excavation was made.
3. In lieu of the city replacing pavement, it may elect to authorize utility companies or contractors to resurface streets or sidewalks with like materials, subject to approval of the Street Superintendent.

**§ 13-207 ALTERING DRAINAGE.**

 No person shall change or alter any gutter, storm sewer, drain or drainage structure that has been constructed or is being lawfully maintained or controlled by the city, unless such change or alteration has been authorized or directed by the governing body.

**§ 13-208 UNFINISHED PAVEMENT.**

 No person shall walk upon, drive or ride over or across any pavement, sidewalk or incomplete grading that has not been opened for traffic.

**Streets**

**§ 13-209 USING STREETS.**

1. No person shall occupy any portion of any street, alley or sidewalk for the purpose of temporarily storing building materials without first obtaining approval for such temporary use from the governing body.
2. No person may use any portion of any sidewalk or street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this article, however, shall be construed as prohibiting the city governing body from temporarily waiving the prohibition of this division (b) in connection with community promotions or community-side celebrations when such waiver is considered to be in the best interest of the city.

**§ 13-210 DANGEROUS OBJECTS IN.**

 It shall be unlawful for any person to place, throw, or cause to be placed or thrown in or on any street, alley, sidewalk or other public grounds of the city, any glass, tacks, nails, bottles, wire or other dangerous objects that might wound any personal or animal, or cut or puncture any pneumatic tire while passing over same.

**§ 13-211 PETROLEUM PRODUCTS IN STREETS.**

 It shall be unlawful for any person, firm or corporation to deposit or throw any waste oil, fuel oil, kerosene, gasoline or other products of petroleum or any acids into or upon any street or public grounds of the city, or willfully to permit the same to be spilled, dripped or otherwise to come into contact with the surface of any street, alley or sidewalk within the city.

**§ 13-212 DISCHARGING WATER ON STREETS.**

 It shall be unlawful for any person, firm or corporation to throw or discharge water into any ditch, street, avenue or alley in the city or to cause any water to stand or form pools or to flow in a stream thereon. This section shall not apply to persons cleaning or flushing such streets, avenues or alleys under the authority of the governing body, nor to members of the Fire Department.

**§ 13-213 BURNING IN STREETS.**

 It shall be unlawful for any person to make, or cause to be made, any fire upon any of the paved streets, alleys or street intersections within the city.

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**§ 13-214 THROWING IN STREETS.**

 It shall be unlawful to throw or bat any ball, stone or other hard substance into, on or across any street or alley or at or against any building or vehicle.

**§ 13-215 HAULING LOOSE MATERIAL.**

 It shall be unlawful to haul over the streets or alleys of this city any loose material of any kind except in a vehicle so constructed or maintained as to prevent the splashing or spilling of any of the substances therein contained upon the streets or alleys.

**§ 13-216 ALLEYS.**

1. All alleys in the city not officially vacated shall be kept open the full width of alleys.
2. Any person responsible for any debris or causing any other obstruction in any alley shall be subject to a fine of not less than $25.

(Ord. 184, passed 12-4-1958)

**ARTICLE 3: TREES AND SHRUBS**

Section

 13-301 Definitions

 13-302 Reserved

 13-303 Reserved

 13-304 Reserved

 13-305 Reserved

 13-306 Reserved

 13-307 Spacing

 13-308 Distance from curbs and sidewalks

 13-309 Distance from street corners and fireplugs

 13-310 Utilities

 13-311 Public tree care

 13-312 Tree topping

 13-313 Pruning; corner clearance

 13-314 Dead or diseased tree removal on private property

 13-315 Removal of stumps

**§ 13-301 DEFINITIONS.**

 For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

 ***PARK TREES.*** Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

 ***STREET TREES.*** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(Ord. 245, passed 9-26-1991)

**§ 13-302 RESERVED.**

**§ 13-303 RESERVED.**

**§ 13-304 RESERVED.**

**§ 13-305 RESERVED**

**§ 13-306 RESERVED**

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**§ 13-307 SPACING.**

 The spacing of trees will be in accordance with this article. No trees may be planted closer together than the following except in special plantings designed or approved by a landscape architect.

|  |  |
| --- | --- |
| Small trees | 30 feet |
| Medium trees | 40 feet |
| Large trees | 50 feet |

(Ord. 245, passed 9-26-1991)

**§ 13-308 DISTANCE FROM CURBS AND SIDEWALKS.**

 The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in this article, and no trees may be planted closer to any curb or sidewalk than the following:

|  |  |
| --- | --- |
| Small trees | 2 feet |
| Medium trees | 3 feet |
| Large trees | 4 feet |

(Ord. 245, passed 9-26-1991)

**§ 13-309 DISTANCE FROM STREET CORNERS AND FIREPLUGS.**

 No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplugs.

(Ord. 245, passed 9-26-1991)

**§ 13-310 UTILITIES.**

 No street trees other than those species listed as small trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet or any underground water line, sewer line, transmission line or other utility.

(Ord. 245, passed 9-26-1991)

**Trees and Shrubs**

**§ 13-311 PUBLIC TREE CARE.**

 The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(Ord. 245, passed 9-26-1991)

**§ 13-312 TREE TOPPING.**

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or any other tree on public property. ***TOPPING*** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article as the determination of the City Tree Board.

(Ord. 245, passed 9-26-1991)

**§ 13-313 PRUNING; CORNER CLEARANCE.**

 Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign.

(Ord. 245, passed 9-26-1991)

**§ 13-314 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

 The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

((Ord. 245, passed 9-26-1991)

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**§ 13-315 REMOVAL OF STUMPS.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 245, passed 9-26-1991)

**ARTICLE 4: SNOW AND ICE**

Section

 13-401 Snow and ice to be removed

 13-402 Same; exception; alternate remedy

 13-403 Same; penalty

 13-404 Removal may be made by city

* 1. Costs on tax rolls

**§ 13-401 SNOW AND ICE TO BE REMOVED.**

1. It shall be unlawful for the owner and/or the occupant of any lots abutting upon any sidewalks to fail to cause to be removed from such sidewalks all snow and ice within 12 hours from the time that the snow fall or ice storm ceases. If the snow falls or ice accumulates upon the sidewalks in the nighttime, removal of same must be made within 12 hours after sunrise on the following day.
2. It shall be unlawful for any person to place snow removed from private property upon any public street, alley or sidewalk.

**§ 13-402 SAME: ECEPTION; ALTERNATE REMEDY.**

 Where there shall be ice or compacted snow on any such sidewalk of such a character as to make it practically impossible to remove the same, the sprinkling of ashes, sand or other noncorrosive chemicals on the accumulation of ice or snow in such a manner as to make such sidewalk reasonably safe for pedestrian travel shall be deemed a sufficient compliance with the provisions of this article until the ice or snow can be removed.

**§ 13-403 SAME; PENALTY.**

 Any person violating the provisions of § 13-401 shall, upon conviction, be fined $25.

**§ 13-404 REMOVAL MAY BE MADE BY CITY.**

 If any owner or occupant of any lot or lots shall refuse or neglect to clean or remove from the sidewalk abutting the lot or lots all snow and ice within the time specified, the city may cause such sow and ice to be removed from sidewalks and the cost thereof shall be assessed against such abutting lot or lots, and the City Clerk shall certify the same to the County Clerk for collection as provided by law.

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**§ 13-405 COSTS ON TAX ROLLS.**

 The City Clerk shall, at the time of certifying other city taxes to the County Clerk, certify the unpaid costs for removal of snow or ice performed under the authority of § 13-404 and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the General Fund or other proper fund of the city, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected ad received by the city.