

CHAPTER XIII

SIDEWALKS, ALLEYS AND LOTS

SECTION XIII-1. SIDEWALKS.

A. The following streets shall be known as business streets of Buhler: Main Street, commencing from the South Line of Block 19 and 20 on the South, to Third Avenue on the North; also 150 feet to the East and 150 feet to the West of Main Street, on First, Second and Third Avenues.

B. All sidewalks hereinafter constructed on said business streets shall be laid on the established grade along and against the property line, shall have an inclination of one (1) inch and four (4) feet from the property line or towards the curb line, shall extend to the curb line except where the authorizing ordinance expressly specifies a lesser width, and shall be built of such permanent material and in such manner as the governing body by special ordinance may direct.

C. No new sidewalks or frame awnings shall be constructed on said business streets, nor shall any old sidewalks or frame awnings be repaired, unless authorized by special ordinance, except that the Mayor with the consent of the governing body may permit and direct light repairs.

D. All sidewalks on residential streets shall be laid not more than one (1) foot from the property line, and shall extend not over five (5) feet from the property line, and there grade shall be the same as the grade of their respective streets ought to be in the opinion of the governing body. On the residential streets, new permanent sidewalks of only cement may be built by the abutting owners at any time in accordance with the provision of this ordinance and subject to the approval of the governing body, which approval shall be made a matter of record. No wooden sidewalks shall be laid unless authorized by special ordinance.

E. The governing body may at any time by ordinance condemn any sidewalk or awning whenever it is necessary in its judgment and order their removal.

F. The governing body may itself build sidewalks and access their costs on the abutting lots or pieces of ground, or may order the sidewalks built by the owners of the abutting lots. If any such owner fails to build as directed, the City council may order his sidewalks built and assess the costs of such construction together with a penalty of ten (10) percent of such costs on the abutting lots or pieces of ground to be collected as taxes.

G. All repairs on the sidewalks of the residential streets and all repairs permitted on the sidewalks and awnings of the business streets shall be made by the owners of the abutting lots, and these owners shall also correct any construction not conforming to the established grades or the ordinances. If any such owner shall fail to so repair or reconstruct, it shall be the duty of the governing body to instruct the City Clerk to give five (5) days personal notice to the owner so delinquent or his agent if known, of the necessity of such repairs or reconstruction, or if the owner is a non-resident of the City without a known agent in the City or cannot be found, to post such written or printed notice on or in front of such abutting lot or lots. If such owner does not within five (5) days attend to such repairs or reconstruction, the governing body shall order the work done and the costs thereof and the description of the abutting lots and the name of the owner, if known, shall be reported to the governing body, which shall assess such costs along with a penalty of twenty-five (25) percent thereon against such lots as taxes.

H. It shall be the duty of the occupant of any lot or piece of ground abutting any sidewalk to keep such sidewalk cleaned, to remove therefrom all ice, snow, earth, stone, or rubbish of any kind, to keep all overhanging limbs of trees, cut off at least seven (7) feet above such sidewalk, and to keep all grasses and weeds cut down on either side of the sidewalk all the way from the property line to the curb line ten (10) feet from the property line. If there be no occupant of such lot or the tenant fails to do any said things, it shall be the duty of the owner to do the same.

I. If any person whose duty it is to comply with the requirements of the proceeding section shall fail to comply with any of the requirements contained therein, the governing body shall direct City Clerk to give notice to any such delinquent person in the manner provided in Section G, the City Clerk giving notice in regards to repairs, requiring him to comply forthwith, and if such person fails to do so within twenty-four (24) hours after such notice, he shall on conviction be fined in any sum not exceeding twenty dollars (\$20.00) and costs; and when such delinquent person is the owner of such abutting lot, the governing body may also assess the costs of any such work done as a result of such delinquency, together with a penalty of twenty-five (25) percent on such abutting lots as taxes.

SECTION XIII-2. CONSTRUCTING SIDEWALK.

That all cement sidewalks shall consist of a bottom layer, three (3) inches in thickness composed of 1 part Portland Cement of good quality, 3 parts clean coarse sand, and 3 parts chat (flint crushed rocks), laid on a solid foundation of natural soil or well rammed earth, which in hot weather shall be saturated with water to a depth of 1 inch. Chatts, sand and cement shall be mixed dry until it is of an even color

throughout, with no streaks of cement showing, enough water shall be added and thoroughly mixed so that when concrete is rammed in place a film of moisture will appear on the surface. The bottom layer shall be leveled off true, and parallel with the finished surface of the walk, except that the same should be roughened with a rake or similar tool, so that a wearing surface will adhere to it. On this bottom shall be placed at once the wearing surface which shall be 1 inch in thickness, and composed of 1 part Portland Cement of the same brand used in the base and 2 parts clean sharp sand, which shall be floated or troweled to a smooth even surface. Wearing surface shall be so laid that it will permanently adhere to the base; the walk shall be blocked by cutting through the entire thickness at right angles to the sides every 4 feet.

C. That in constructing new sidewalks as prescribed in the above and foregoing Section, a layer of asphalt or roofing material not less than 1/2 inch in thickness be put in the walk every twenty-five (25) feet, and that this layer shall be through the entire depth at full width of the walk, top edge to be on level with the walk.

D. All street, alley and private crossings shall be built in the same manner as sidewalks, excepting that the base shall be four (4) inches in thickness, and the mixture composed of 2 parts of coarse sand and 3 parts good coarse chatts, to be 1 part Portland Cement, and the width of all such crossings shall be 4 1/2 feet, with a four (4) inch slope on both sides.

E. It shall be prohibited to drive over street and alley crossings with heavy machines, steam engines, or tractors, or buildings when moving without first thoroughly planking such crossings; also it shall be prohibited to drive across sidewalks with any heavy or light vehicles.

F. That any person, persons, firm or corporation violating any of the provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction may be fined in an amount not exceeding fifty dollars (\$50.00) and costs.

SECTION XIII-3. UPKEEP OF PROPERTY.

A. That the owner, agent or occupant of any lot or piece of ground within the City of Buhler shall keep his lot or piece of ground free and clear of all noxious weeds, unsightly grasses and similar vegetation by cutting or destroying all such noxious weeds, unsightly grasses and similar vegetation before the same blossom or mature or attain a size sufficient to affect the health and comfort of the inhabitants of the City.

B. That in the event the owner, agent or occupant of any lot or piece of ground within the City fails or neglects to cut or destroy any noxious weeds, unsightly grasses or similar vegetation growing or standing on said lot or piece of ground within the City in violation of Section A. of this Ordinance, then the City Clerk shall give said owner, agent, or occupant seven (7) days written notice to do so; in case the owner is unknown or is a nonresident and there is no resident agent, then a ten (10) days notice published once in the official City paper shall be given by the City Clerk, notifying the owner, agent, or occupant of said lot or piece of ground to cut and destroy said noxious weeds, unsightly grasses and similar vegetation.

C. That in the event the owner, agent or occupant shall fail or refuse to cut or destroy said noxious weeds, unsightly grasses and similar vegetation after seven (7) days of written or printed notice or in cases where the owner is unknown or is a nonresident and there is no resident agent ten (10) days after notice has been published by the City Clerk in the official city paper, the City Clerk shall cause said noxious weeds, unsightly grasses or similar vegetation to be cut or destroyed and shall keep an account of the costs of the same. All costs incurred in connection with the cutting or destroying of said noxious weeds, unsightly grasses and similar vegetation shall be paid by the property owner and if left unpaid the City shall levy a special assessment for such costs against the lot or piece of ground upon which said noxious weeds, unsightly grasses or similar vegetation have been cut or destroyed pursuant to K.S.A. 12-1617(f).