

ORDINANCE NUMBER 569

AN ORDINANCE PROVIDING FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE CITY OF WESTMORELAND; PROVIDING FOR THE ASSESSMENT OF THE COST OF SNOW REMOVAL BY CITY PERSONNEL; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTMORELAND, KANSAS:

Section 1. SNOW TO BE REMOVED. It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises, (collectively, the “Persons”) to permit snow or ice to accumulate or remain on any sidewalk on or abutting such property. If snow or ice accumulates on such sidewalk during the daytime, removal of the same shall be made within six (6) hours after sunrise on the following day. If snow or ice accumulates on such sidewalk during the nighttime, removal of the same shall be made within twelve (12) hours after sunrise on the following day.

Section 2. REMOVAL OF SNOW BY CITY PERSONNEL; ASSESSMENT OF COSTS.

(a) If the Persons of property situated on Main Street from 2nd Street to 4th Street fails to remove snow or ice within the time periods set out in Section 1 of this Ordinance, city personnel shall have the authority to remove such snow or ice.

(b) If city personnel remove snow or ice from sidewalks on Main Street between 2nd Street and 4th Street, the city shall give notice to the Persons at the address at issue, by regular mail of the total cost of such snow or ice removal incurred by the city. The notice shall also state that the payment is due within thirty (30) days following the date of the notice. The notice shall also state that if the cost of the removal or abatement is not paid within the thirty (30) day period, the cost of such removal shall be assessed as special assessments and charged against the lot or parcel of land on which the sidewalk was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk, and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

(c) The cost of removal shall be a minimum of fifty dollars (\$50.00) per hour for one (1) city personnel to perform work plus a minimum of one equipment usage fee as listed below. In the event more than one (1) hour or personnel time is spent or alternatively, two personnel perform said removal work, the Persons shall be assessed those fees accordingly at fifty dollars (\$50.00) per hour, per personnel.

(i) Equipment/Labor Hourly Rates for year 2019 (subject to change at each new calendar year):

General Labor	(\$50.00/hour)
(L1) New Holland Backhoe	(\$42.00/hour)
(L2) New Holland Skid Loader	(\$27.00/hour)
(L3) Volvo Excavator	(\$30.00/hour)
(T4) Ford F350 Dump Truck	(\$32.00/hour)
(T5) Ford F650 Dump Truck	(\$60.00/hour)
(R1) Wacker Roller	(\$25.00/hour)
(M1, M2, M3) Kubota Mower	(\$60.00/hour)
(U1) Kubota RTV 500	(\$25.00/hour)
(X1) SECA Sewer Jet	(\$100.00/hour)
Trench Box	(\$50.00/day)

Section 3. RIGHT OF ENTRY. City personnel, in removing snow or ice under the provisions of this Ordinance, are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of removing snow or ice from sidewalks, in a manner not inconsistent with this ordinance.

Section 4. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent city personnel from entering upon any such lot or piece of ground or from proceeding with such snow or ice removal from sidewalks.

Section 5. PENALTIES. Any person violating the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and may be sentenced to pay a fine of not more than five hundred dollars (\$500.00), or sentenced to a jail term of not more than one month, or both.

Section 6. This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Passed and adopted by the City Council of Westmoreland, Kansas, this 13th day of June, 2019.

ss:// *Mark A. Goodenow*
Mark A. Goodenow, Mayor

Attest:

ss:// *Vicki B. Zentner*
Vicki B. Zentner, City Clerk