

ORDINANCE #590

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS REGARDING DRIVEWAY CULVERTS, TUBES AND PAVING WITHIN THE CITY LIMITS OF THE CITY OF WESTMORELAND, KANSAS.

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

Section 1. This Ordinance shall be known as and may be cited as the “Driveway Culvert Ordinance” of the **City of Westmoreland, Kansas.**

Section 2. Installation of culverts and tubes. All replacements and future installation of culverts and/or driveway tubes that connect to city streets or alley ways shall be of corrugated galvanized steel, not less than sixteen (16) gauge and including end sections, or corrugated plastic pipe including end sections approved by the Utilities/Maintenance Supervisor of the city of Westmoreland, but not less than ten (10) inches in diameter or less than twenty (20) feet in length nor longer than thirty (30) feet in length.

Section 3. Responsibility of Owner-Assistance of City. The City of Westmoreland will offer its assistance to property owners who wish to replace driveway pipes or tubes on public property, unless the size or weight exceeds the capacity of City equipment, in which case the property owner shall use a contractor licensed and approved for such work. The cost of the pipe, extra fill, materials, and any surfacing shall be at the expense of the property owner. It shall be the responsibility of the property owner to replace the surface and any supporting abutments or walls of concrete or asphaltic concrete built on the right of way if the culvert has to be taken out for any reason by the City of Westmoreland.

Section 4. Permit Required. No person shall make, direct, allow or cause the installation or replacement of any culverts or tubes for any purpose without first obtaining a permit from the City of Westmoreland. The application for each such permit shall be in writing by the person, or duly authorized agent, who desires to do the work and shall give the exact location and description of, and dimensions of, the work proposed to be done. All replacement, repairs or installations that affect or require resurfacing or replacement of paved surfaces, abutments, walls, or improvements shall be the responsibility of the property owner. The application shall include the provisions for surface and support where any culvert in the right of way serves private property or a driveway to private property.

Section 5. Obstruction of Natural Flow of Water Prohibited. The owner of all land upon or immediately adjoining each culvert or tube shall not grade, terrace or obstruct the culvert, tube or ditches to obstruct the natural flow of water and where the existing culvert or tubes are inadequate or not kept clean, the City of Westmoreland is authorized to remove, replace or clean the ditches, culverts and tubes after notice in writing to the owner of property where conditions exist that would constitute a nuisance or where installation was done without a permit or contrary to approval of the City of Westmoreland. If the City of Westmoreland declares the condition a nuisance, the cost to remedy the nuisance shall be invoiced to and be the responsibility of the owner of the property and shall be paid within 30 days of being sent by the City Office. The owner of the property shall be responsible for normal maintenance of ditches including mowing, trash removal, and/or leaf removal. The City of Westmoreland shall be responsible for replacement of drainage culverts in the street intersections and the removal of trash/leaves in the immediate area of street intersection culverts. The owner of the property may request the City of Westmoreland regrade drainage ditches in the right of way from time to time as sediment builds up in the drainage ditches. The Utilities/Maintenance Supervisor shall have the authority to make the decision of whether the request to clean out a drainage ditch in the right of way can be completed at the expense of the city.

Section 6. Time Permit expires and time to complete work. The permit authorized by this Section shall state the date issued and include a date when work shall commence, and such date shall not be more than thirty (30) days after the permit issues. The permit shall further state the date when work shall be completed, and such completion date shall not be more than ten (10) days after work commences without special written approval of the City of Westmoreland. If work is not commenced or completed by the date specified, the permit expires and a new permit must be obtained.

Section 7. Penalties. Any person violating this ordinance shall be deemed guilty of a class "C" misdemeanor and may be sentenced to a term of no more than one (1) month jail time or a fine of \$500.00.

This Ordinance shall take effect and be in force immediately upon its adoption and publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Westmoreland, Kansas, this 14th day of July, 2022.

ss:// Mark S Jack

Mayor

ATTEST:

ss:// Julie Wren

City Clerk