

ORDINANCE NUMBER 601

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF CONCRETE SIDEWALKS, IN THE CITY OF WESTMORELAND; REGULATING THE WIDTH AND CONSTRUCTION; REGULATING DEBRIS/SPILL REMOVAL. REPEALING ORDINANCE 328 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. SIDEWALK CONSTRUCTION. Whenever any sidewalk shall be required to be built, such new sidewalk shall be constructed of concrete, and according to specifications hereinafter contained, and of the width herein designated.

Section 2. SIDEWALK REGULATIONS. All sidewalks constructed in the City of Westmoreland shall be a minimum of four (4) feet wide and/or of comparable size to adjoining property owners' sidewalks. All sidewalks shall be constructed on a solid sub-foundation of compacted sand or comparable material. All sidewalks shall be a minimum of four (4) inches in thickness. Where any sidewalk shall pass across an alley or driveway it shall be a depth of not less than six (6) inches and shall be reinforced with steel wire welded mesh composing the entire area, in which the sidewalk crosses an alley or driveway. Sidewalks shall be finished with a broom finish to allow for a nonslip finish with finished edges. Expansion joints shall be cut into the sidewalks at an equal distance to the width of the sidewalks. When possible, all sidewalks constructed in the City of Westmoreland shall be constructed to ADA (Americans with Disabilities Act) requirements. All sidewalks constructed in the City of Westmoreland shall be installed in the street right of way and/or abutting the property line of private property. Responsibility of maintenance to all sidewalks in the City of Westmoreland shall be the responsibility of the abutting property owner in which the sidewalk is located as per Kansas State Statute (K.S.A. 12-1808).

Section 3. CONDEMNING A SIDEWALK. The City of Westmoreland governing body can condemn a sidewalk if it is inadequate or unsafe and may adopt a resolution condemning the sidewalk and order the construction of a new sidewalk. The governing body shall give a time period of no more than 180 days to construct or reconstruct the sidewalk in question at the property owners' expense. If the sidewalk is not constructed or reconstructed within the specified time, the governing body shall cause the construction or reconstruction to be done by contract and/or by city personnel with all expenses to be invoiced to the property owner as per section five (5) of this ordinance.

Section 4. DEBRIS/SPILL REMOVAL ON SIDEWALKS. 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 debris or spill to accumulate or remain on any sidewalk on or abutting such property. If debris or spills accumulate on such sidewalks, removal of the same shall be made within twenty-four (24) hours after a complaint has been

made. Debris or spills removed from sidewalks shall not be placed upon any public street, alley, or other sidewalk without prior approval from the city.

Section 5. DEBRIS/SPILL REMOVAL AND/OR MAINTENANCE BY CITY PERSONNEL; ASSESSMENT OF COSTS.

- If the Persons of property fail to remove debris or spills within the time periods set out in Section four (4) of this Ordinance, city personnel shall have the authority to remove such debris or spills.
- If city personnel remove debris or spills from sidewalks, the city shall give notice/invoice to the Persons at the address at issue, by regular mail of the total cost of such debris or spill removal incurred by the city. The notice/invoice shall also state that the payment is due within thirty (30) days of the date on the notice/invoice. The notice shall also state that if the cost of the removal or abatement is not paid within thirty (30) days of the date on the notice/invoice, 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.
- 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 (1) hour of 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.
- Equipment/Labor Hourly Rates for year 2024 (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)
(T3) Ford F650 Dump/Plow Truck	(\$60.00/hour)
(T4) Chevrolet Dump Truck	(\$32.00/hour)
(R1) Wacker Roller	(\$25.00/hour)
(M1,M2,M3) Kubota Mower	(\$60.00/hour)
(U1) Kubota XG850 RTV	(\$25.00/hour)
(X1) SECA Sewer Jet	(\$100.00/hour)
Trench Shoring Box	(\$50.00/day)

Section 6. RIGHT OF ENTRY. City personnel, in reconstruction, removing debris or spills under the provisions of this Ordinance, are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of reconstruction, removing debris or spills from sidewalks, in a manner not inconsistent with this ordinance.

Section 7. 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 reconstruction, debris or spillage removal from sidewalks and streets.

Section 8. 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 9. 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, 2024.

ss:// Mark Jack
Mark S. Jack, Mayor

Attest:

ss:// Julie Wren
Julie Wren, City Clerk