

ORDINANCE NO. 1025

AN ORDINANCE REGULATING ESTABLISHING PROCEDURES FOR CONSTRUCTION, REPAIR, AND REPLACEMENT OF SIDEWALKS.

Be it Ordained by the Governing Body of the City of Manchester, Kansas, that:

Section 1. New Ordinance. The following shall be incorporated as new Chapter 13, Article 1 of the Code of the City of Manchester, Kansas, and shall be worded as:

Chapter XIII, STREETS AND SIDEWALKS

ARTICLE 1. SIDEWALKS

13-101. Permit required.

It shall be unlawful to construct, reconstruct or repair any sidewalk within the city until the plans first have been approved by the building inspector and a permit issued for such work 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.

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 3 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.

13-105. Same; condemnation, reconstruction.

When any sidewalk, in the opinion of the governing body, become inadequate or unsafe for travel thereon, the governing body may adopt a resolution condemning such walk and providing for the construction of a new walk in the place of the walk condemned.

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 nor more than 90 days after its publication one time in the official city paper in which to construct or cause to be

constructed or reconstructed the sidewalk at his or her own expense. If the sidewalk is not constructed by the property owner within the time specified, the governing body shall cause the work to be done by contract.

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 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.

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 lot 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.

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 section 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 Kansas, and for all contracts exceeding \$1,000.00 entered into by the city for any such purpose a statutory lien bond required by K.S.A. 60-1111 shall be furnished.

Section 2. Any prior ordinance found to be in conflict with this ordinance shall be void, insofar as it is in conflict.

Section 3. This ordinance shall become effective upon passage by the governing body and publication as provided by statute.

Passed and Approved this 12<sup>th</sup> day of February, 2024

Maggie Slick, Mayor  
Maggie Slick, Mayor

ATTEST:

Ashley Tatro  
Ashley Tatro, City Clerk