

ORDINANCE NO. 1026

AN ORDINANCE REGULATING THE CONSTRUCTION, REPAIR, AND USE OF CITY STREETS.

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 2 of the Code of the City of Manchester, Kansas, and shall be worded as:

Chapter XIII, STREETS AND SIDEWALKS

ARTICLE 2. STREETS

13-201. Obstructing sidewalks.

It shall be unlawful for any person to build or construct any step or steps or other obstruction, whether temporary or permanent, or to store, leave or allow to be left any implements, tools, merchandise, goods, crates, containers, benches, chairs, display or show cases, on any sidewalks or other public ways in the city or to obstruct the same longer than is necessary for loading or unloading any such article or object. The city council may authorize the granting of temporary permits in connection with a building or moving permit for limited times only to the owner of property abutting on any sidewalk to use or encumber such sidewalk or public way of the city during the construction of any building or improvement thereon. No such permit shall be issued for such purpose until plans for warning and safeguarding the public during such use of sidewalks shall have been submitted by the owner or his contractor and approved by the city council.

13-202. Barriers and guards.

It shall be the duty of every person or persons having charge of any construction or excavation adjacent to or under any sidewalk or street, during the progress of such work, to guard the work securely by a safety fence or wall attached to posts firmly set in the ground or otherwise securely fixed in place during such time. It shall further be the duty of all such persons from one-half hour after sunset to one-half hour before sunrise to illuminate such excavation or work with warning lights sufficient in number and so placed as to show the full extent thereof.

13-203. Cutting curbs, etc.

(a) It shall be unlawful for any person to cut, break out or remove any curb along a street or alley except after making application to and receiving a permit from the city clerk upon the recommendation of the city building inspector.

(b) Application to construct a service driveway must be filed in the office of the city clerk and approved by the city building inspector as to design, plans and specifications.

(c) The fee for receiving permit shall be \$10.00. All final inspections to be made by the city building inspector on permits.

13-204. Same; unlawful acts.

It shall be unlawful for any person, except those having authority from the city or any officer thereof to throw down, interfere with or remove any barriers, barricades or lights placed in any street to guard and warn the traveling public of any construction work thereon or adjacent thereto.

13-205. Unfinished pavement or sidewalks.

No person or persons shall walk upon, drive or ride over or across any pavement, sidewalk or incomplete grading which has not been opened for traffic.

13-206. Dangerous obstructions unlawful.

It shall be unlawful for any person to place, throw or cause to be placed or thrown in or on any street, alley, sidewalk or other public grounds of the city, any glass, tacks, nails, bottles, wire or other dangerous objects that might wound any person or animal, or cut or puncture any pneumatic tire while passing over the same.

13-207. Littering streets unlawful.

It shall be unlawful for any person or persons to place, throw or deposit or cause to be placed, deposited or left any dirt, filth, sweepings, excrement, compost, papers, boxes, ashes, lumber, coal, wood, kindling, grass, weeds, leaves, slops or litter of any kind in or on any streets, alleys, parks or public ways of the city.

13-208. Petroleum products in street.

It shall be unlawful for any person, firm or corporation to deposit or throw any waste oil, fuel oil, kerosene, gasoline or other products of petroleum or any acids into or upon any street or public grounds of the city, or willfully to permit the same to be spilled, dripped or otherwise to come into contact with the surface of any street, alley or sidewalk within the city.

13-209. Junk in streets.

It shall be unlawful for any person, firm or corporation to store or deposit, or to accumulate or abandon any old iron, machinery, vehicles of any kind, vehicle bodies or parts thereof or any junk of any kind in or upon any sidewalk, street, parking, alley or public grounds within the city.

13-210. Discharging water on streets unlawful.

It shall be unlawful for any person, firm or corporation to throw or discharge water into any ditch, street, avenue or alley in the city or to cause any water to stand or form pools or to flow in a stream thereon. This section shall not apply to persons cleaning or flushing such streets, avenues or alleys under the authority of the governing body, nor to members of the fire department.

13-211. Curb pumps unlawful.

Hereafter it shall be unlawful for any person, firm or corporation to place or construct any gasoline service pump or device, or any air compression device in the parking of any street, or adjacent thereto, so that it would be necessary to receive service or to use any portion of the street while any vehicle is parked or standing on a sidewalk, street or alley of the city.

13-212. Trees in street parking.

It shall be unlawful for any person to plant or cultivate any tree, shrubbery, hedge or other plants in the parking of any street, or on land adjacent to any sidewalk or street parking unless the same are trimmed and maintained to prevent obstruction of the passage of vehicles and pedestrians over and along the roadway of any street, avenue or sidewalk of the city, as the case may be. All trees extending over any portion of a street shall be so trimmed that the branches or any portion thereof shall not overhand any sidewalk lower than eight feet from the surface thereof, nor lower than 14 feet from the roadway of any street or public way. It shall be the duty of the owner or occupant of the property adjacent to any parking in which trees are cultivated to remove any dead trees or any dead or decayed limb or branch thereof constituting a hazard to the traveling public.

13-213. Altering drainage.

No person shall change or alter any gutter, storm sewer, drainage ditch, drain or drainage structure which has been constructed, or is being lawfully maintained or controlled by the city unless such change or alteration has been authorized or directed by the governing body.

13-214. Using streets.

(a) No person shall occupy any portion of any street, alley or sidewalk for the purpose of temporarily storing building materials without first obtaining a permit for such temporary use from the city clerk.

(b) No person may use any portion of any sidewalk or street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this article, however, shall be construed as prohibiting the city governing body from temporarily waiving the prohibition of this subsection in connection with community promotions or community-wide celebrations when such waiver is considered to be in the best interest of the city.

13-215. Burning in streets.

It shall be unlawful for any person to make or cause to be made, any fire upon any of the streets, alleys, or street intersections within the city.

13-216. Throwing in streets.

It shall be unlawful to throw or bat any ball, stone, or other hard substance into, on or across any street or alley or at or against any building or vehicle.

13-217. Hauling loose material.

It shall be unlawful to haul over the streets or alleys of this city any loose material of any kind except in a vehicle so constructed or maintained as to prevent the splashing or spilling of any of the substances therein contained upon the streets or alleys.

13-218. Repairs and maintenance of driveway culverts.

It shall be the duty of the owner of the abutting property to maintain and keep any driveway culvert 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 culvert so repaired as may be provided by law.

13-219. Obstruction of culverts prohibited.

It shall be unlawful for any person, firm or corporation to deposit or cause to be placed, deposited or left any dirt, filth, sweepings, excrement, compost, papers, boxes, ashes, lumber, coal, wood, kindling, grass, weeds, leaves, slops or litter of any kind in or around any culverts abutting any streets, alleys, or public ways of the city.

13-220. Installation of new culverts.

All culverts to be replaced or installed new shall meet City specifications and approval prior to installation.

**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

