

CHAPTER XIII. STREETS AND SIDEWALKS

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ARTICLE 1. SIDEWALKS

- 13-101. **SIDEWALK IMPROVEMENTS; PERMIT REQUIRED.** It shall be unlawful for any person to construct or substantially change, repair or replace any curbing, guttering or sidewalks adjoining public streets, easements, right-of-ways, alleys or other public property within the city (hereinafter sidewalk improvement) without a written permit from the city. No permit shall be required when a sidewalk improvement is constructed by city employees or under contract administered by the city. (Ord. 543, Sec. 2; Code 2001)
- 13-102. **FORMS.** A sidewalk improvement permit application shall be made on forms furnished by the city. (Ord. 543, Sec. 2; Code 2001)
- 13-103. **EXPIRATION; INCOMPLETE SIDEWALK IMPROVEMENT WORK; REMEDIES.** (a) A sidewalk improvement permit shall expire at a date stated on the face of the permit. The expiration date shall be not more than 30 days from the issuance date. Work done pursuant to such permit must be completed within the initial permit period unless a written extension is granted by the city council, for good cause shown. Any such extension shall not exceed 30 days. No more than three extensions shall be granted. A new permit shall be required thereafter.
- (b) Incomplete sidewalk improvement work may constitute a nuisance or a dangerous structure, and may be abated as such, or the city may require completion of the sidewalk improvement by alternative remedies, including injunctive relief. (Ord. 543, Sec. 2; Code 2001)
- 13-104. **SPECIFICATIONS; AMERICANS WITH DISABILITIES COMPLIANCE.** All work shall conform to specifications, rules and regulations established by the city, and shall specifically be in compliance with the Americans with Disabilities Act, and with instructions issued pursuant to such specifications issued by the mayor, or any city employee designated by the mayor. All sidewalks shall be a minimum of four feet wide and shall be a minimum of four inches in depth. Before commencing any work, or completing any work that requires inspection before completion, the permittee or permittee's contractor shall contact the city superintendent, and coordinate with city officials in the commencement and completion of work on the improvement. (Ord. 543, Sec. 2; Code 2001)
- 13-105. **CORNER LOTS.** Sidewalk improvements adjoining any corner lot or tract shall extend to and include corner curb cuts and corner accessibility improvements required by the Americans with Disabilities Act. (Ord. 543, Sec. 2; Code 2001)

- 13-106. INSPECTION AND REMOVAL. The permittee, or the permittee's contractor shall cause all materials removed in the course of construction of the improvement to be promptly and properly disposed of, at permittee's sole expense. All work shall be subject to inspection by the city during construction and upon completion thereof. The permittee shall notify the mayor or the employee designated by the mayor before concrete is poured and/or surfacing is applied and the permittee shall not proceed further with the work until being authorized. (Ord. 543, Sec. 2; Code 2001)
- 13-107. 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. (K.S.A. 12-1801, K.S.A. 12-1807; Code 1993)
- 13-108. 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. (Code 1993)
- 13-109. SAME; PETITION. When a petition signed by no fewer than 10 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. (K.S.A. 12-1803; Code 1993)
- 13-110. 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. (K.S.A. 12-1804; Code 1993)
- 13-111. 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 60 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. (K.S.A. 12-1805; Code 1993)

- 13-112. **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. (K.S.A. 12-1806; Code 1993)
- 13-113. **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. (K.S.A. 12-1808; Code 1993)
- 13-114. **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 13-112 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 entered into by the city for any such purpose a statutory lien bond required by K.S.A. 60-1111 shall be furnished. (Code 1993)
- 13-115. **OBSTRUCTING SIDEWALKS.** It shall be unlawful for any person to build or construct any step or other obstruction, whether temporary or permanent, or to store, leave or allow to be left any implements, tools, merchandise, goods, containers, benches, 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. (Code 1993)
- 13-116. **SAME; EXCEPTION.** The governing body 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 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 or her contractor and approved by the governing body. (Code 1993)

ARTICLE 1A. SIDEWALK OBSTRUCTIONS

13-1A01. FINDINGS. (a) The uncontrolled construction, storage, placement or maintenance of any step, ramp, railing or other obstruction, whether temporary or permanent, or news racks, vending machines, implements, tools, merchandise, goods, containers, benches, display or showcases or any similar items (sidewalk barriers herein) on the sidewalks of the city's downtown business district presents an inconvenience danger to the safety and welfare of persons using such sidewalks, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.

(b) Any sidewalk barrier so located as to cause an inconvenience or danger to persons using sidewalks of the downtown business district of the city and any unsightly sidewalk barrier located therein constitute public nuisances.

(c) The sidewalks of the downtown business district of the city bear more pedestrian traffic than sidewalks in other areas of the city.

(d) These factors constitute an unreasonable interference with and obstruction of the use of sidewalks of the downtown business district of the city constitute an unwarranted invasion of individual privacy; are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.

(e) The council recognizes, however, that the use of such sidewalks is so historically associated with the retail sales and distribution of goods and merchandise that access to those areas for such purposes should not be absolutely denied. The council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this article which is designed to accommodate such interests regulating the time, place and manner of construction, storage, placement or maintenance of any sidewalk barrier. (Ord. 548, Sec. 1; Code 2001)

13-1A02. PURPOSE. The provisions and prohibitions hereinafter contained and enacted are intended to secure and promote the public health, morals and general welfare of persons in the city in their use of the sidewalks of the downtown business district of the city through the regulation of placement, appearance, number, size and servicing of any sidewalk barrier so as to:

(a) Provide for pedestrian and driving safety and convenience;

(b) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;

(c) Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes;

(d) Reduce visual blight in the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas;

(e) Reduce exposure of the city to personal injury or property damage claims and litigation; and

(f) Protect the right to distribute information protected by the United States and Kansas constitutions through the use of news racks.

(Ord. 548, Sec. 1; code 2001)

- 13-1A03. PRESERVATION OF CONSTITUTIONAL RIGHTS. It is not the intent of this article to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected. (Ord. 548, Sec. 1; Code 2001)
- 13-1A04. FURTHER DEFINITIONS. As used in this article, unless the context otherwise clearly indicates:
- (a) Downtown Business District — The public square shown on the recorded plat of the city; and Market Street, between the southern boundary of Kansas Street and the northern boundary of Main Street; and Main Street, between the eastern boundary of Market Street and the western boundary of Mill Street; and Mill Street, between the northern boundary of Main Street and the southern boundary of Kansas Street; and Kansas Street, between the western boundary of Mill Street and the eastern boundary of Market Street; and all plated lots immediately adjoining any of the above described real estate.
 - (b) News rack — Any self-service or coin operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or other news periodicals.
 - (c) Sidewalk — Any improved and surfaced portion of public right-of-way or easement and any adjoining improved and surfaced private property intended for, regularly and primarily used and available for public pedestrian traffic.
 - (d) Public Officer — The mayor, the mayor's designee under this article, or any Mitchell County, Kansas law enforcement officer or the city superintendent. (Ord. 548, Sec. 1; Code 2001)
- 13-1A05. NONCONFORMING SIDEWALK BARRIERS PROHIBITED. (a) No person shall construct, store, place, or maintain, or use (hereinafter construct) any sidewalk barrier in the downtown business district which projects onto, into, or which rests, wholly or in part, upon a sidewalk in the downtown business district:
- (1) When such construction endangers the safety of persons or property;
 - (2) When such site or location is used for public utility purposes, public transportation purposes, or other governmental use;
 - (3) When such construction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress or egress from any residence or place of business; the use of poles, posts, traffic signs or signal, hydrants, mailboxes, or other objects permitted at or near the location;
 - (4) When such construction interferes with the cleaning of any sidewalk; or
 - (5) In any other manner inconsistent with or in violation of the provisions of this article. (Ord. 548, Sec. 1; Code 2001)
- 13-1A06. CONFORMING SIDEWALK BARRIERS PERMITTED. Sidewalk barriers not constituting a public nuisance as defined above and in compliance with section 13-1A06 shall be considered conforming sidewalk barriers and shall be permitted on sidewalk in the downtown business district, subject to maintenance of liability insurance as provided herein. (Ord. 548, Sec. 1; Code 2001)
- 13-1A07. INSURANCE REQUIRED. (a) No person shall construct any conforming sidewalk barrier in the downtown business district which projects onto, into, or which rests, wholly or in part, upon a sidewalk in the downtown business district without filing with the city clerk written proof of a current liability insurance policy

issued by a solvent corporation authorized to do business and market liability insurance coverage in the State of Kansas. Such liability insurance coverage shall insure the owner and occupant of the business premises adjoining the conforming sidewalk barrier from liability for injury to, or death of, any person, or damage to any property arising out of the construction of the conforming sidewalk barrier, in a minimum amount of \$100,000 per occurrence, and \$300,000 aggregate per calendar year.

(b) The city clerk may request written evidence of current insurance at any time, which shall be promptly provided.

(Ord. 548, Sec. 1; Code 2001)

13-1A08. PLACEMENT OF CONFORMING SIDEWALK BARRIER. No conforming sidewalk barrier shall be constructed;

(a) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet.

(b) Within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.

(c) On any access ramp for disabled persons.

(Ord. 548, Sec. 1; Code 2001)

ARTICLE 2. STREETS

- 13-201. EXCAVATION PERMIT. No person, other than authorized city employees, shall dig or excavate any hole, ditch, trench or tunnel in or under any street, alley, sidewalk, park or other public property or public easement through private property without first having secured a permit on forms furnished by the city, for such excavation. Application shall be made to the city clerk. If work is not started within 10 days or completed within 30 days after commencement of work, the permit shall expire, and a new permit shall be required before beginning or completing the work thereafter unless an extension of not more than 30 days is granted by the city council, for good cause shown. Uncompleted work may constitute a nuisance or a dangerous structure, and may be abated as such. (Ord. 513, Sec. 1:3; Code 1993)
- 13-202. SAME; BOND. (a) No permit authorized in this article shall be issued until the applicant has given to the city a good and sufficient bond in the sum of \$5,000 conditioned that the applicant will faithfully comply with all the terms and conditions of this article, and will indemnify and hold the city harmless against all costs, expenses, damages and injuries by persons or by the city sustained by reason of the carelessness or negligence of the permit holder. No bond for this purpose shall run for longer than two years without being renewed. The bond shall remain in full force and effect as to each excavation for two years after the same has been made or completed.
- (b) Any utility operating under a franchise or a contractor under contract with the city for municipal improvement shall not be required to give bond as provided in subsection (a).
- (c) Each bond given under this section shall be approved by the city attorney and filed with the city clerk.
(Code 1993)
- 13-203. SAME; FILED. If the application is approved by the city, the city clerk shall issue a permit upon payment of a fee of \$5. Each permit issued under the provisions of this section shall cover only one specified excavation. (Code 1993)
- 13-204. SAME; BARRICADES. Any person to whom an excavation permit is issued shall enclose all excavations which they make with sufficient barricades and danger signs at all times, and shall maintain sufficient warning lights or flares at nighttime. The holder of an excavation permit shall take all necessary precautions to guard the public against all accidents from the beginning of the work to the completion of the same. (Code 1993)
- 13-205. 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.
(Code 1993)
- 13-206. CUTTING CURBS; PAVEMENT. (a) No person shall cut any curb, gutter, pavement, blacktop, and sidewalk or excavate any street, alley or other public grounds of the city for any purpose without first obtaining a permit authorizing the same from the city clerk. If work is not started within 10 days or completed within 30 days after commencement of work, the permit shall expire, and a new permit shall

be required before beginning or completing the work thereafter unless an extension of not more than 30 days is granted by the city council, for good cause shown. Uncompleted work may constitute a nuisance or a dangerous structure, and may be abated as such.

(b) Once the work for which the excavation was made has been completed the city shall restore the pavement, blacktop, sidewalk or other surfacing at the expense of the person from whom the excavation was made.

(c) In lieu of the city replacing pavement, it may elect to authorize utility companies or contractors to resurface streets or sidewalks with like materials, subject to approval of the street superintendent.
(Ord. 513, Sec. 1:3; Code 1993)

13-206A. TOTAL COST PAID. Total cost of any such improvement shall be paid as follows: All costs shall be approved by the governing body prior to commencement of construction, and the amount of the city-at-large contribution shall be determined. The city shall pay a rate of \$2.15 per square foot, upon confirmation of footage.
(Ord. 625; Code 2014)

13-207. ALTERING DRAINAGE. No person shall change or alter any gutter, storm sewer, 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. (Ord. 513, Sec. 1; Code 1993)

13-208. UNFINISHED PAVEMENT. No person shall walk upon, drive or ride over or across any pavement, sidewalk or incomplete grading which has not been opened for traffic. (Code 1993)

13-209. 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 governing body.

(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.
(Code 1993)

13-210. DANGEROUS OBJECTS IN. 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. (Code 1993)

13-211. PETROLEUM PRODUCTS IN STREETS. 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.
(Code 1993)

- 13-212. DISCHARGING WATER ON STREETS. 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. (Code 1993)
- 13-213. BURNING IN STREETS. It shall be unlawful for any person to make or cause to be made, any fire upon any of the paved streets, alleys, or street intersections within the city. (Code 1993)
- 13-214. 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. (Code 1993)
- 13-215. 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. (Code 1993)

ARTICLE 3. TREES AND SHRUBS

- 13-301. PUBLIC TREE CARE. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing city utilities or to preserve the symmetry and beauty of public grounds. The city may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. (Code 1993)
- 13-302. DISEASED TREES; DETERMINATION. Whenever any competent city authority or competent state or federal authority shall file with the governing body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon private property within the city are infected or infested with or harbor any tree or plant disease or insect or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or extinction of other trees or shrubs in the community, describing the same and where located, the governing body shall direct the city clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or to remove any such designated tree, tree material or shrub within a time specified in the notice. (Code 1993)
- 13-303. SAME; NOTICE SERVED. Notice shall be served by a police officer by delivering a copy thereof to the owner, and the person in possession of such property, or if the same be unoccupied or the owner a nonresident of the city, then the city clerk shall notify the owner by mailing a notice by certified mail to his last known address. (Code 1993)
- 13-304. SAME; FAILURE OF OWNER; DUTY OF CITY. If the owner or agent shall fail to comply with the requirements of the notice within the time specified in the notice, then the chief of police shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk. In lieu of city employees performing any such work, the governing body may contract with any competent person, company or corporation for the performance of such work. (Code 1993)
- 13-305. SAME; PREVENT SPREAD OF DISEASE. No tree, tree materials or shrubs as mentioned herein which have been cut down, either by the property owner or by the city, shall be permitted to remain on the premises, but shall be immediately treated, removed and burned or immediately burned upon the premises, if safe to do so, so as to prevent the spread of the tree disease. (Code 1993)
- 13-306. DANGEROUS, DEAD OR DISEASED TREES ON PRIVATE PROPERTY.
(a) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 14 feet above the surface of the street or right-of-way. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the

proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign.

(b) The city shall have the right to cause the removal of any dangerous, dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property. The city will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. The owners, within 30 days of the notice, may request a hearing covering the ordered removal. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice. (Code 1993)

13-307. TREES ON PUBLIC PROPERTY; COST BORNE BY CITY. The city shall have the authority to treat or to remove any tree as defined in section 13-301 of this article, or to remove any dead tree as mentioned herein, which is located within the limits of any public right-of-way within the city. The adjacent property owners shall not be responsible for the cost of treatment or removal of any such trees within the public right-of-way and this expense shall be borne by the city at large. (Code 1993)

13-308. COSTS ON TAX ROLLS. The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs for treatment or removal performed under the authority of sections 13-304:306 and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the city, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city. (Code 1993)

13-309. INJURING TREES AND SHRUBS. No person shall willfully break, cut, take away, destroy, injure, mutilate, or attempt to willfully break, cut, take away, destroy, injure or mutilate any tree, shrub, vine, flower or landscaping standing, growing, or being upon the premises in the possession of another, or growing on any public ground, street, sidewalk, promenade or park in the city. (Code 1993)

13-310. FIRE HYDRANTS, PLANTINGS ADJACENT TO. No person shall plant or cause to be planted nor allow to grow upon property owned by him or her any shrubs, trees, or planting of any kind within 10 feet of any fire hydrant in the city, in order that every fire hydrant shall be in full view day or night, to fire apparatus approaching from any direction. (Code 1993)

ARTICLE 4. SNOW AND ICE

- 13-401. SNOW AND ICE TO BE REMOVED. (a) It shall be unlawful for the owner and/or the occupant of any lots abutting upon any sidewalks to fail to cause to be removed from such sidewalks all snow and ice within 12 hours from the time that the snow fall or ice storm ceases. If the snow falls or ice accumulates upon the sidewalks in the nighttime, removal of same must be made within 12 hours after sunrise on the following day.
(b) It shall be unlawful for any person to place snow removed from private property upon any public street, alley or sidewalk.
(Code 1993)
- 13-402. SAME: EXCEPTION; ALTERNATE REMEDY. Where there shall be ice or compacted snow on any such sidewalk of such a character as to make it practically impossible to remove the same, the sprinkling of ashes, sand or other noncorrosive chemicals on the accumulation of ice or snow in such a manner as to make such sidewalk reasonably safe for pedestrian travel shall be deemed a sufficient compliance with the provisions of this article until the ice or snow can be removed.
(Code 1993)
- 13-403. SAME; PENALTY. That any person violating the provisions of section 13-401 shall, upon conviction, be fined \$25. (Code 1993)
- 13-404. REMOVAL MAY BE MADE BY CITY. If any owner or occupant of any lot or lots shall refuse or neglect to clean or remove from the sidewalk abutting the lot or lots all snow and ice within the time specified, the city may cause such snow and ice to be removed from sidewalks and the cost thereof shall be assessed against such abutting lot or lots, and the city clerk shall certify the same to the county clerk for collection as provided by law. (Code 1993)
- 13-405. COSTS ON TAX ROLLS. The city clerk shall, at the time of certifying other city taxes to the county clerk, certify the unpaid costs for removal of snow or ice performed under the authority of section 13-404 and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the city, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city. (Code 1993)
- 13-406. INCLEMENT WEATHER DECLARATION. Whenever snow, freezing rain, sleet, or any other climatic conditions are forecasted so that serious snow accumulation may result, the City Supernatant or the Mayor may declare an Inclement Weather declaration. Appropriate notice of this event shall be given to available broadcast media and posted on the city public access channel.
In the event of an inclement weather declaration:
(a) All vehicles shall be removed from the city streets within 24 hours to aid in the removal of snow.
(b) Parking will be prohibited on city streets until such time as the snow accumulation has been removed. (Ord. 636; Code 2014)

- 13-407. SAME; PROSECUTION; PRESUMPTION OF OWNERSHIP. In any prosecution charging a violation of this article proof that the particular vehicle described in the complaint was in violation of this article, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (Ord. 636; Code 2014)
- 13-408. SAME; PENALTIES. Upon a first conviction of the violation of this article such person shall be fined \$50. Upon a second or subsequent conviction for a violation of this article such person shall be fined \$100. (Ord. 636; Code 2014)