

CHAPTER 13 STREETS AND SIDEWALKS

Article 1	Sidewalks
Article 2	Streets
Article 3	Trees and Shrubs
Article 4	Snow and Ice
Article 5	Emergency Snow Routes
Article 6	Street and Alley Encroachments
Article 7	Street Intersection Obstructions

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 governing body and a permit issued for such work by the city clerk.
(Code 1994; Code 2003; Code 2015)
- 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.
(K.S.A. 12-1801, 12-1807; Code 1994; Code 2003; Code 2015)
- 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.
(Code 1994; Code 2003; Code 2015)
- 13-104 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 1994; Code 2003; Code 2015)

- 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. (K.S.A. 12-1804; Code 1994; Code 2003; Code 2015)
- 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 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. 2-1805; Code 1994; Code 2003; Code 2015)
- 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. (K.S.A. 12-1806; Code 1994; Code 2003; Code 2015)
- 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. (K.S.A. 12-1808; Code 1994; Code 2003; Code 2015)
- 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

entered into by the city for any such purpose a statutory lien bond required by K.S.A. 60-1111 shall be furnished.
(Code 1994; Code 2003; Code 2015)

13-110 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 1994; Code 2003; Code 2015)

13-111 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 1994; Code 2003; Code 2015)

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 for such excavation. Application shall be made to the city clerk.
(Ord. 395, Sec. 14-401; Code 1994; Code 2003; Code 2015)

13-202 SAME; BOND- (a) No permit authorized in this ordinance 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 ordinance, 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 1994; Code 2003; Code 2015)

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 ordinance shall cover only one specified excavation.
(Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

13-205A LIABILITY FOR DAMAGES- Any damage occasioned by the unauthorized digging, trenching or excavation to city electric, sewer and water lines shall be the liability of the person performing the unauthorized digging, trenching or excavation. The city superintendent is authorized to take control and possession of any and all equipment of the person performing the unauthorized digging, trenching or excavation to secure the payment of the damages.
(Ord. 395, Sec. 14-402; Code 1994; Code 2003; Code 2015)

13-205B PLAT OR DIAGRAM OF UNDERGROUND LINES- The city superintendent shall prepare and currently maintain a plat or diagram which reflects the placement and location of all city electric, sewer and water lines that are located under city streets and alleys.
(Ord. 395, Sec. 14-403; Code 1994; Code 2003; Code 2015)

13-206 CUTTING CURBS; PAVEMENT- (a) No person shall cut any curb, gutter, pavement, blacktop, 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.

(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.

(Code 1994; Code 2003; Code 2015)

13-206A CURB AND GUTTER REPAIR, MAINTENANCE AND ALTERATION- It shall be the responsibility of the abutting property owner, at the owner's expense, to maintain the existing curb and gutter in good repair and condition at all times. Any broken or damaged curb or gutter removed shall be immediately repaired and replaced with curb or gutter restored to, as close as possible, its previous dimensions and design. Any alteration to the placement, dimensions and/or the design of the curb or gutter shall be subject to prior approval of the city.
(Ord. 477 passed 8-6-1996; Code 2003; Code 2015)

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.
(Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 so as to impede pedestrian traffic. Nothing in this ordinance, 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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1978, 14-103; Code 1994; Code 2003; Code 2015)

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 1978, 14-102; Code 1994; Code 2003; Code 2015)

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 1978, 14-104; Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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, sidewalks 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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 city superintendent 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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 ordinance until the ice or snow can be removed.
(Code 1994; Code 2003; Code 2015)

13-403 SAME; PENALTY- That any person violating the provisions of Section 13-401 shall, upon conviction, be fined \$25.
(Code 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

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 1994; Code 2003; Code 2015)

ARTICLE 5 EMERGENCY SNOW ROUTES

13-501 FINDING OF GOVERNING BODY- The City Council finds that the operation of vehicles on streets and alleys of the City which have been covered by a heavy accumulation of snow is a matter affecting the health, safety and welfare of the citizens of the City of St. Francis, Kansas, for the reason that parked, stalled, and abandoned vehicles disrupt emergency medical and police procedures, impedes snow removal operations and causes serious traffic congestion and hazards.
(Ord. 540, Sec. 1, passed 3-6-2007; Code 2015)

13-502 DEFINITIONS- For the purpose of this article, the words and phrases listed below shall have the following meanings:

(1) Traffic Emergency. When snow and/or ice has accumulated or there is a forecast that snow and/or ice will accumulate to such a depth that city snow removal operations will be required.

(2) Heavy Snow Traffic Emergency. When snow and/or ice has accumulated or there is a forecast of accumulation to such depth as to make travel extremely hazardous and difficult.

(Ord. 540, Sec. 2, passed 3-6-2007; Code 2015)

13-503 DECLARATION OF TRAFFIC EMERGENCY- Whenever snow has accumulated or there is a possibility that snow will accumulate to such a depth that snow removal operations will be required, the mayor or the city superintendent in the absence of the mayor, may declare a traffic emergency and until such traffic emergency is terminated it shall be unlawful:

(a) to park a vehicle on any street designated an emergency snow route in section 13-506; or

(b) to operate a motor vehicle on any emergency snow route in such a manner or condition that such motor vehicle stalls and is unable to proceed by reason of the fact that the driving wheels are not equipped with tire chains or snow tires.

(Ord. 540, Sec. 3, passed 3-6-2007; Code 2015)

13-504 NOTICE OF PARKING EMERGENCY; TERMINATION- Upon declaring a traffic emergency the mayor or city superintendent shall forthwith cause appropriate notice thereof to be given throughout the local press, radio, cable television, and other media. The parking emergency shall be terminated by notice given substantially in the same manner as the parking emergency was declared.

(Ord. 540, Sec. 4, passed 3-6-2007; Code 2015)

- 13-505 REMOVAL OF PARKED VEHICLES- All vehicles parked on emergency snow routes must be removed within two hours after notice of a traffic emergency has been given. Any vehicle parked on an emergency snow route after such period of time may be removed or caused to be removed under the direction of the city to the nearest garage or other place of safety and the vehicles may not be recovered until the towing and storage charges are paid.
(Ord. 540, Sec. 5, passed 3-6-2007; Code 2015)
- 13-506 EMERGENCY SNOW ROUTES; ESTABLISHMENT; SIGNS- The following streets are hereby established as emergency snow routes within the city:
- (a) College Street from US Highway 36 to North Street;
 - (b) Benton Street from US Highway 36 to North Street;
 - (c) River Street from US Highway 36 to Jackson Street;
 - (d) Washington Street from College Street to Valley Street;
 - (e) First Street from Quincy Street to Adams Street;
 - (f) Quincy Street from US Highway 36 to Washington Street;
 - (g) Adams Street from First Street to Spencer Street.
- Appropriate signs shall be installed along each of said streets designated emergency snow routes.
(Ord. 540, Sec. 6, passed 3-6-2007; Code 2015)
- 13-507 DECLARATION OF HEAVY SNOW TRAFFIC EMERGENCY- Whenever snow has accumulated or there is a possibility that the snow will accumulate to such a depth that the mayor, or in the absence of the mayor the city superintendent, determines, in his or her sole discretion, that the depth of snow and/or condition of the streets makes travel extremely hazardous and difficult, said city official may declare a heavy snow traffic emergency and until such heavy snow traffic emergency is terminated it shall be unlawful to operate any motor vehicle on any city street or alley without first having equipped such vehicle with tire chains, except that motor vehicles with four (4) wheel drive need not be equipped with tire chains.
(Ord. 540, Sec. 7, passed 3-6-2007; Code 2015)
- 13-508 NOTICE OF HEAVY SNOW TRAFFIC EMERGENCY; TERMINATION- As quickly as is advisable, the heavy snow traffic emergency shall be terminated by notice substantially in the same manner as it was declared.
(Ord. 540, Sec. 8, passed 3-6-2007; Code 2015)
- 13-509 PENALTY- Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed \$250 or by imprisonment not to exceed five (5) days, or by both such fine and imprisonment.
(Ord. 540, Sec. 9, passed 3-6-2007; Code 2015)

ARTICLE 6 STREET AND ALLEY ENCROACHMENTS

- 13-601 ENCROACHMENTS PROHIBITED- Except as hereinafter provided it shall be unlawful for any person, firm or corporation to erect, construct, install, place, maintain, or allow to remain, or to permit the erection, construction, installation, placing, maintenance, or remaining of any encroachment upon, in, or over any right of way or portion thereof of any street, alley, or public right of way in the City of St. Francis, Kansas.
(Ord. 471, passed 2-6-1996; Code 2003; Code 2015)
- 13-602 DEFINITION- (a) Encroachments The word encroachments when used in this article shall (with the exception noted below) mean and include any fence, sign, awning, canopy, marquee, billboard or other advertising devise, merchandise stand, display or storage, building or other structure, or any other use for private purposes of any character which exist or would exist in, over or rest upon the right of way or any portion thereof of any street, alley, or public way in the City of St. Francis, Kansas.
(Ord. 471, passed 2-6-1996; Code 2003; Code 2015)
- 13-603 EXCEPTIONS- (a) Grass, trees, shrubs, and hedges are permitted in parking areas to the back of street curbs subject to all provisions of any other city or state ordinances or laws regulating same and subject always to the provision that their removal may be required at the convenience of the city.
- (b) Use of any portion of street or alley right of way is permitted for installation of city utilities or for other franchised public utilities subject to any other laws or ordinances specifically regulating such installations.
- (c) In those areas in the city where zoning code establishes the legal building line as being the property line, the allowable projections and clearances or other occupation of public property for marquees awnings, architectural projections or appendages, but excepting signs, will be allowed as authorized by the governing body of the city on a case by case basis. In no case will any such projection be supported by any support set forward of the building line into any street, alley, sidewalk or other public property.
- (d) In those areas in the city where the city zoning code establishes the legal building line as being the property line, signs, when in compliance with other provisions of the zoning code, and/or building code, may project into a street right of way as herein defined only upon the expressed authorization and written authority of the governing body of the city.

(e) Nothing in these exceptions shall be deemed to authorize any projection or encroachment upon any street, alley, or public way that is prohibited by law or other ordinance, not to express or imply any permission, license or permit for any structure to encroach upon or project within the lines of any street, alley or public way which shall not be revocable by the governing body.
(Ord. 471, passed 2-6-1996; Code 2003; Code 2015)

13-604 NOTICE TO REMOVE; REMOVAL- When any encroachment exists in violation of the provision of this article, the city may forthwith issue notice requiring the removal of such encroachments within a time specified in such notice. This notice shall be determined to be legally delivered when sent either by US Mail or personally served by a police officer of the City of St. Francis, Kansas, to the owner or if the owner is unknown, said notice shall be published once in the official city newspaper. If the owner or agent fail or refuse to remove the encroachment within the time fixed in the notice, the city shall cause the encroachment to be removed.
(Ord. 471, passed 2-6-1996; Code 2003; Code 2015)

13-605 PENALTY- Any person, firm, or corporation violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10.00 nor more than \$100.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. 471, passed 2-6-1996; Code 2003; Code 2015)

ARTICLE 7 STREET INTERSECTION OBSTRUCTIONS

13-701 OBSTRUCTIONS PROHIBITED- It is unlawful to install, set out, maintain or allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, tree, natural growth, motor vehicle, trailer of any kind, or other obstruction to view, within a triangle formed by two right-of-way lines at the intersection of the two streets, and extending for a distance of 40 feet away from the intersection of the right-of-way line on any corner within said city. Provided, however, that the provisions of this section shall not apply to permanent buildings, public utility poles, hedges trimmed to a height of less than 36 inches above gutter grade, trees which are at all times kept trimmed of limbs and sucker growth to a height of at least 8 feet above ground level or the limbs of which overhang the public street and are at all times kept trimmed of sucker growth to a height of at least 13 feet 6 inches above street level and official signs or signals.
(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)

- 13-702 DUTIES OF OWNER OR OCCUPANT- It shall be the duty of every owner or occupant of a lot or tract of ground abutting upon any sidewalk, street, alley or other public way of the city, or adjacent to the street parking thereof, to cultivate trees, shrubbery and hedges in such a manner that the same shall not interfere with persons or travel upon or along such street, sidewalk, alley or other public way. It shall be the duty of all such persons to cut or trim any such trees so that the branches or limbs thereof shall not extend out over the sidewalks lower than 8 feet from the surface thereof, or over that portion of any street, alley or other public way used for vehicles lower than 13 feet 6 inches from the surface thereof. It shall be the further duty of all such persons to trim or cut all shrubbery or hedges so that the branches or limbs thereof shall not extend out over the sidewalk, street, alley or other public way and to maintain the height of such shrubbery and hedges not in excess of 30 inches, measured from the bottom of the gutter or drain of the adjacent street or other public way.
(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)
- 13-703 CITY’S RIGHT TO MAINTAIN- The city shall have the right to trim 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, such trimming to be confined to the area immediately above the right-of-way.
(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)
- 13-704 CITY’S RIGHT TO REMOVE- Where any sign, fence, hedge, shrubbery, tree, natural growth, motor vehicle, trailer of any type, or other obstruction as herein defined shall obstruct the view of a driver to observe traffic entering the street from any intersecting street or interfere with any other movement upon or through any sidewalk, street, alley or other public way, or interfere with the proper spread of light along the street from a street light, or interfere with visibility of any traffic control device or sign, the city shall, after notice as hereinafter provided, be authorized to remove the obstruction.
(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)
- 13-705 NOTICE- Any owner, or agent of the owner, or occupant failing to comply with the provisions of this ordinance shall be notified by the city to remove the obstruction and such notice shall require conformity with this ordinance within 10 days after personal service of said notice upon the owner or the agent of the owner, and the occupant. In the event the premises are unoccupied or the owner or the agent of the owner is unknown or a nonresident, the city shall give notice hereinbefore required by publishing the same in the official city newspaper.
(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)

13-706

COSTS AS SPECIAL ASSESSMENT- Whenever the provisions of this article have been violated and the city, after proper notice has been given and in the event the city performs or causes the work to be done, the cost of such work shall be reported to the city clerk and such costs shall be assessed against the property or abutting property as a special assessment. The city clerk shall certify such unpaid costs and request the county clerk to extend the same on the tax roll of the county against the property or abutting property as a special assessment.

(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)

13-707

PENALTY- When such obstruction is a motor vehicle, trailer or any type, or other item of readily moveable personal property and the owner fails to remove such obstruction within five (5) days after notification to remove such obstruction, failure to remove the obstruction shall constitute an offense punishable by the penalty not to exceed \$100.00 and every day said owner shall fail to remove it shall be a separate and distinct offense.

(Ord. 473, passed 2-6-1996; Code 2003; Code 2015)