

## ORDINANCE NO. 2534

### AN ORDINANCE OF THE CITY OF GARDNER, KANSAS, AMENDING CHAPTER 12.40 OF THE GARDNER MUNICIPAL CODE ENTITLED "SIDEWALK MAINTENANCE".

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** Chapter 12.40 entitled "Sidewalk Maintenance" is hereby amended to read as follows:

#### **12.40.010 Removal of snow and ice.**

It is hereby made the duty of the owner and/or the occupant of any lots abutting upon any sidewalks to cause all snow and ice to be removed from the entire width of such sidewalks and sidewalk ramps intersecting such sidewalks within 48 hours from the time the snow or ice storm ends. If the snow falls or ice accumulates upon the sidewalks in the nighttime, removal of it must be within 48 hours after sunrise. In the event of an unusually heavy snowfall or additional snowfall within the 48-hour time period from the end of the first snowfall, the time limit shall be extended at the discretion of the Director of Public Works.

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 sand or 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 sufficient compliance with provisions of this section until the ice or snow can be removed.

#### **12.40.015 Snow and Ice Removed from Private Property.**

It shall be unlawful for any person to remove snow from private property and place it upon any public street, alley or public sidewalk. The City will not remove any ice or snow accumulation from any private property.

#### **12.40.020 City Removal.**

If any owner or occupant of any lot or lots shall refuse or neglect to clean or remove from the entire width of the public sidewalk abutting the lot or lots all snow and ice within the time specified, the City will issue a notice to abate for the first offense within a 12-month period. For a second offense and each additional offense thereafter within a 12-month period, the City may cause such snow and ice to be removed without delay and without prior notice to or hearing of the owner, representative, agent or tenant. 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. Each continuing 48-hour period of a violation shall constitute a separate offense, unless the time for removal has been modified at the discretion of the Director of Public Works pursuant to Section 12.40.010 above.

#### **12.40.025 Violation—Penalty.**

Violation of the provisions of this ordinance shall be considered a municipal offense and upon adjudication of guilty, the violator shall be fined \$25.00 for the offense, \$50.00 for the second offense and \$75.00 for any subsequent offense. Each continuing 48-hour period of a violation shall constitute a separate offense, unless the time for removal has been modified at the discretion of the Director of Public Works pursuant to Section 12.40.010 above.

#### **12.40.030 Obstructing, etc.**

Any person who shall leave or allow to be left any obstructions, including vehicles, that prohibit the use of sidewalks by the public or other public ways of this City longer than is necessary for loading or unloading shall be in violation of this code.

**SECTION TWO:** All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

**SECTION THREE:** That this Ordinance shall take effect and be in force after its passage by the City Council and publication in the official City Newspaper.

PASSED by the City Council on this 5<sup>th</sup> day of December, 2016.

SIGNED by the Mayor on this 5<sup>th</sup> day of December, 2016.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow  
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz  
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk  
Ryan B. Denk, City Attorney