

Ordinance No. 12

Regulating and Defining Sidewalks in the City of Wathena, the Proceedings in Relation to Constructing, Repairing and Maintaining the same, and Regulating the Building, Construction and Repairing of such Sidewalks by Lot-Owners and the City.

Be it ordained by the Mayor and Councilmen of the City of Wathena:

Section 1. That all sidewalks hereafter constructed, rebuilt or repaired in said City of Wathena, shall be of the material and in accordance with the specifications of one of the classes herein designated as the same may be ordered by the Mayor and the Council, by resolution or ordinance.

Section 2. That sidewalks of the first class shall be ten feet in width, and of uniform grade and surface, and may be built of wood, brick, stone, cement or concrete, as the Council may direct. Sidewalks made of wood shall be constructed of two-inch oak or such lumber as may be approved by the Council, and in new walks to be not less than six inches in width, laid cross-wise upon four stringers of white oak, or such lumber as the council may approve, not less than two by four inches, spliced with clamps eighteen inches long and at least one by four inches in size, the whole to be nailed securely. Sidewalks constructed with brick shall be of good, hard burned brick, laid flat or edgewise, well bedded on a layer of clean sharp sand, with a border of brick set on end, or stone set on edge, at least six inches deep, all joints to be filled with clean sand, the border to be firmly bedded in the earth and the top thereof to be level or of uniform height. Sidewalks made of stone shall be constructed of good flagging stone, of not less than one square foot, surface dressed to an even face, and the edges dressed so as to make close joints, and said stones shall be well bedded on a layer of clean sharp sand, all joints to be filled with clean sand, and with border of brick or stone set edgewise and well bedded in the ground and with the top smooth and level. Sidewalks made of cement, or what is known as concrete, shall not be less than three inches thick, with smooth surface and uniform width, and shall be made in such manner as to make a good, hard, serviceable and durable sidewalk.

AMMENDED BY ORDINANCE #44.

Section 3. That sidewalks of the second class shall be four feet wide and of the third class, three feet wide, and shall be built of the same material and in the same style and manner as sidewalks of the first class, in other respects, except that sidewalks of the second class when constructed of wood, shall have three stringers, not less than two by four, which shall be of white oak or such lumber as specified in section 2; and the third class when constructed of wood, shall have not less than three stringers of white oak or such lumber as the Council may approve, which shall be not less than two by four, and in sidewalks of the second and third classes, the planks shall not extend over the ends of the stringers to exceed one inch.

AMMENDED BY ORDINANCE # 44.

Section 4. That it shall be the duty of the owner or owners of all lots or pieces of ground fronting or abutting on any of the streets in the city of Wathena at their own cost and expense, to build, construct, maintain and keep in good repair, all sidewalks in front of, or adjacent to, their said lots or pieces of ground, which said sidewalks shall be of the material, specifications, kind and character and constructed or repaired in the manner provided for in this ordinance.

Section 5. That whenever any sidewalk shall be established or ordered laid in front of any lot or piece of ground within said city of Wathena, either by resolution or ordinance, it shall be the duty of the street commissioner to notify by written or printed or partly written or partly printed notice, the owner or owners of such premises, or in case the owner or owners thereof are unknown, or do not reside within this city, then the occupant or occupants thereof, or if not occupied, then the agent thereof, to build or construct such sidewalk within ten days after such notice has been served; of if, after due search, no such person can be found upon whom to serve such notice, or the owner or owners, occupant or agent, if found, shall neglect or refuse to construct such sidewalk, the street commissioner shall build and construct the same and report the cost and expenses thereof the City Council, and said cost and expenses shall be paid by the city under an ordinance duly passed for that purpose, and such costs and expenses shall, by the City Council be assessed as a special tax against such lots or pieces of ground, adjoining or abutting such sidewalk so constructed, and such costs and expenses shall be certified by the city clerk to the county clerk of Doniphan County, Kansas, to be placed on the tax roll of said county, for collection as required by law.

Section 6. That whenever any sidewalk is not kept and maintained in good repair, or whenever the same or any part thereof shall need repairing, it shall not be necessary to give notice to the owner or owners, occupant or agent of the premises abutting on such walks to make such repairs, it being the duty of such persons to maintain and keep in good repair such walks without notice; but the street commissioner shall, without delay, make such repairs as shall put such walk in a safe, good and serviceable condition, and shall report the cost and expenses to the City Council, and the same shall be paid by the city under an ordinance duly passed for that purpose, and such costs and expenses shall be assessed as a special tax against such lots or premises in the same manner as provided for taxing costs and expenses in the foregoing section 5.

Section 7. That the City Council may, by order made or resolution passed and entered upon the minutes, permit the owner or owners of any lot or piece of ground in said city desiring to, or who will voluntarily construct a sidewalk in front of his or their lot or piece of ground, to build, maintain or repair the same of such material and in such manner as the Mayor and Council may deem sufficient and equal to the sidewalks herein provided for.

Section. 8 That whenever the City Council may deemed it expedient, it may, and upon the petition of a majority of property owners for two blocks on either side of any lot or premises, it shall order, by resolution duly entered upon the minutes of the journal, or by ordinance duly passed, the construction of such sidewalks or walks as may be deemed necessary. And it may, in like manner, order any sidewalk heretofore built or hereafter to be built, to be reconstructed or repaired in accordance with the provisions and requirements of this ordinance.

Section 9. That the building and repairing of all sidewalks shall be made under the supervision and direction of the street commissioner, or such street and alley committee as may be appointed by the Mayor with the approval of the Council.

Section 10. That whenever the Mayor and Council may deem it to the best interest of the city and to the traveling public, they may arrange with lot owners to build and construct sidewalks across lots, or may require that sidewalks be constructed and maintained along alleys, lanes, or roads which are generally traveled by the public, instead of laying the the same upon the public or main streets; but no such sidewalk shall be laid across any lot or lots or along any alley or alleys if remonstrated against by petition signed by a majority of the legal voters of the city.

Section 11. This ordinance shall take effect and be in force from and after its passage, approval by the Mayor, and publication in pamphlet form.

---- Sections 12, 13, & 14 as per ordinance 22 ----

Passed by the Council August 13, 1898.

Approved by the Mayor August 13, 1898.

J. F. Harpster, Mayor

Attest: W. T. Stewart, City Clerk.