

**STREETS AND SIDEWALKS
CHAPTER 70**

Article I. In General

- Sec. 70-101 Obstructions prohibited; exception.
- Sec. 70-102 Storage on public property.
- Sec. 70-103 Duty to remove snow and ice from sidewalks; penalty.

Article II. Vacation of Public Rights-of-Way, Etc.

- Sec. 70-201 Written request required.
- Sec. 70-202 Contents of written request.
- Sec. 70-203 Director of Planning.
- Sec. 70-204 Public hearing on request-Governing Body
- Sec. 70-205 Order of Governing Body.

Article III. Excavations

- Sec. 70-301 Permit-Required; exception.
- Sec. 70-302 Same-Application; bond.
- Sec. 70-303 Same-Issuance.
- Sec. 70-304 Warning signs and barricades.
- Sec. 70-305 Penalty for violation of article.

Article IV. Driveways

- Sec. 70-401 Definitions.
- Sec. 70-402 Compliance required for occupancy.
- Sec. 70-403 Applicability.
- Sec. 70-404 Permits and fees.
- Sec. 70-405 Standards for driveways onto public streets.
- Sec. 70-406 Penalty for violation of article.

Cross references-Alcoholic beverages, Ch. 4; consumption of alcoholic liquor in public places prohibited, § 4-206; consumption of cereal malt beverages in public prohibited, § 4-313; animals prohibited from running at large, § 3-309; screening requirements for junkyards, § 26-54; environment, Ch. 10; litter, § 10-501 et seq.; specific street regulations, § 13-200 et seq.; parking regulations, § 13-301 et seq.

State law reference-Streets and alleys, 12-601 et seq.

**STREETS AND SIDEWALKS
CHAPTER 70**

ARTICLE I. IN GENERAL

Sec. 70-101 Obstructions prohibited; exception.

It is unlawful for any person to obstruct, excavate or otherwise impair any street, alley, sidewalk, public right-of-way or railroad crossing by placing thereon any object, material or vehicle, or excavating, so as to prevent or interrupt traffic thereon, unless such obstruction is allowed by permit of the City.

REVISED: (*Ord. No. 2964-91, 01-08-91*)

Sec. 70-102 Storage on public property.

It is unlawful for any person to place, leave or store or cause to be placed, left or stored any implements, automobiles or vehicles, tools, boxes, merchandise, goods, trash, crates or junk upon public property, except for the purpose of loading or unloading the same.

REVISED: (*Ord. No. 2964-91,01-08-91*)

Cross references-Businesses, Ch. 11; junked, wrecked or abandoned property, § 10-201 ET seq.

Sec. 70-103 Duty to remove snow and ice from sidewalks; penalty.

It is hereby made the duty of the owner, agent or occupant of any lots abutting upon any sidewalks to cause to be removed from such sidewalks all snow and ice within five (5) hours adjacent to non-residential properties and within (24) hours adjacent to residential properties from the time such snow has fallen or ice has accumulated; provided, that if the snow falls or ice accumulates upon such sidewalks in the nighttime, removal of such snow or ice must be made within prescribed hours of daylight the following day. A violation of this Section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00).

REVISED: (*Ord. No. 3610-06, 12-20-06*)

(*Code 1982*)

Changed: 3/28/07

**STREETS AND SIDEWALKS
CHAPTER 70**

ARTICLE II. VACATION OF PUBLIC RIGHTS-OF-WAY, ETC.

Sec. 70-201 Written request required.

Whenever the Governing Body of the City of Ottawa, Kansas, or any owners of real property abutting a public right-of-way or easement for any street, alley or public reservation such as, but not limited to, public easements, dedicated building setback lines, access control or a part thereof desires to have that same public way vacated, such party shall file a written request with the Director of Planning.

Sec. 70-202 Contents of written request.

Said request shall include the following:

- A. The names and addresses of those requesting the vacation;
- B. The legal description of the property owned by those requesting the vacation;
- C. The legal description of the area to be vacated or description of the public reservation;
- D. The list of all adjoining affected property owners and their addresses;
- E. A seventy-five dollar (\$75) application fee; and
- F. A map or other graphic display showing the area to be vacated.

Sec. 70-203 Director of Planning.

Upon receipt of the request to vacate the Director of Planning shall:

- A. Date stamp said request and forward a copy to the City Attorney, City Engineer, applicable City officials, public utility providers and any adjoining property owners as determined appropriate for comments.
- B. Request that all comments relating to the vacation be returned to the Director of Planning within two (2) weeks.
- C. After all comments are received and all details have been completed, a public hearing date shall be determined and public notice shall be published in the official city newspaper in which is situated the place, tract or tracts, street, alley or public reservation sought to be vacated. Such notice shall state that a request has been filed with the Director of Planning, describing the property fully, and that on a certain date after the completion of the publication notice, naming the day on which the request will be presented to the Governing Body of the City for a hearing thereon, and that at such time and place all interested parties can appear and be heard regarding the request.
- D. The Director of Planning shall then prepare a written recommendation to the Governing Body for approval or disapproval of the request. The recommendation, shall consider the effect of the proposed vacation on the Comprehensive Plan, Subdivision Regulations, street layout and design, utility provision, and any other comments to be considered. This recommendation shall be considered at the public hearing.

**STREETS AND SIDEWALKS
CHAPTER 70**

Sec. 70-204 Public hearing on request-Governing Body.

Upon the presentation of such request for vacation, the Governing Body of the City shall proceed to hear the same or may adjourn the meeting to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceeding thereof. At the hearing the Governing Body shall hear such testimony as may be produced before it and such other testimony as required in order to fully understand the true nature of the request and the propriety of granting the same. The Governing Body shall order that such request be granted if it determines the following:

- A. Due and legal notice has been given by publication;
- B. The public will suffer no loss or inconvenience;
- C. That no private rights will be injured or endangered by such vacation or exclusion, providing that “public loss or inconvenience” or “private rights” as herein used shall not be construed to extend to the taxes which may be levied upon the land vacated.
- D. That in justice to those requesting the vacation the request ought to be granted; and
- E. A written objection is not filed with the City Clerk at the time of or before the public hearing by any party or person, which could properly sign the request for vacation.

Sec. 70-205 Order of Governing Body.

Upon any order by the Governing Body, vacating the property interest, the City Hall shall certify a copy of the order to the Register of Deeds of the County. The Register of Deeds shall record such vacation in the deed of records. The Register of Deeds shall write on the margin of the recorded plat of such town site or additions the words “canceled by order” or “canceled in part by order” as the case may be, giving reference to the page and book of the record where such order is recorded in the Register of Deeds Office.

REVISED: (*Ord. No. 3043-92, 10-21-92; Ord. No. 3319-99, 7-21-99; Ord. No. 3439-03, 4-2-03*)

**STREETS AND SIDEWALKS
CHAPTER 70**

ARTICLE III. EXCAVATIONS

Sec. 70-301 Permit-Required; exception.

It is unlawful for any person to cut pavements or excavate in a street, alley or public thoroughfare within the City without a permit issued by the Director of the Department of Public Works. This Section shall not apply to employees of the City or to work performed under a public improvement contract with the City, but shall apply to work performed by public utilities and private contractors.

REVISED: (*Ord. No. 2964-91, 01-08-91*)

Sec. 70-302 Same-Application; bond.

A. A person finding it necessary to cut any sidewalk or pavement or excavating in any street, alley or public property shall first file an application for permit and performance bond with the Director of the Department of Public Works. The permit must be granted prior to any excavation or work being performed on the streets, alleys, public thoroughfares or public rights-of-way. The application shall set out, at a minimum, the following:

1. The location of the proposed cut or excavation.
2. The purpose of the proposed work.
3. The estimated time required to complete the work.
4. The dates the work is to be performed.
5. A description of the placement of any warning barricades or lights to warn of a dangerous condition.
6. A description of the work to be performed in sufficient detail to allow for inspection by the Director of Public Works or his designee.

A. A bond shall be required by the Department of Public Works, on a form approved by the City Attorney, guaranteeing performance of any work that is permitted by the Director of the Department of Public Works. The Director of Public Works shall set a bond amount equal to one hundred twenty-five (125) percent of the Director of Public Work's estimate of the cost of repairing any damage to the pavement, street or public thoroughfare. The bond shall be conditioned that the applicant will properly barricade and protect the cut or excavation, and the applicant will indemnify and save harmless the City from any and all loss, damage and expense, including attorney's fees, arising out of the applicant's work. The bond shall be further conditioned that the applicant will pay the City the cost of refilling and repairing the pavement if the refilling and repairing is not properly done by the applicant. The Director of Public Works may waive the requirement for a bond or permit or both if the Director believes the City's best interests are adequately protected.

REVISED: (*Ord. No. 2964-91, 01-08-91*)

Cross reference-Grading and excavation, § 6-801 et seq.

State law reference-Barricades, K.S.A. 68-2101 et seq.

**STREETS AND SIDEWALKS
CHAPTER 70**

Sec. 70-303 Same-Issuance.

Upon the filing of the application and approval of the bond in accordance with Section 70-302, the Director of Public Works shall issue a permit to the applicant to proceed with the work.

REVISED: *(Ord. No. 2964-91, 01-08-91)*

Sec. 70-304 Warning signs and barricades.

Every person who cuts any pavement or makes any excavation or obstruction of any of the public thoroughfares or public grounds within the City or so near as to such public thoroughfares and public grounds as to be dangerous to those traveling upon such streets and grounds shall establish and maintain warning signs and barricades about such cuttings or excavations or obstructions to warn the public and prevent users of the sidewalks and public thoroughfares from being damaged. During the nighttime such persons shall, in addition to such barricades, maintain a sufficient number of yellow lights and/or torches to effectively warn the users of the sidewalks and public thoroughfares of the existence of a dangerous condition.

REVISED: *(Ord. No. 2964-91, 01-08-91)*

Sec. 70-305 Penalty for violation of article.

In addition to any civil remedy, including compensatory damages and injunctive relief, violation of this article is punishable by a fine of up to five hundred dollars (\$500.00) per day for each violation.

REVISED: *(Ord. No. 2964-91, 01-08-91)*

**STREETS AND SIDEWALKS
CHAPTER 70**

ARTICLE IV. DRIVEWAYS

Sec. 70-401 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Administrative officer- means the Public Works Director or authorized representative.

Apron- means that part of the driveway entrance and any radius, or taper immediately adjacent to curb and gutter (or pavement edge), and extending away from the street.

Certification- means a signed, written statement by the administrative officer that specific construction, inspections or tests, where required, have been performed and that such construction, inspections or tests comply with requirements of this article, and with any regulations adopted pursuant thereto.

City connecting link- means a route inside the city limits which:

- A. Connects a state highway through the City.
- B. Connects a state highway to a City connecting link of another state highway.
- C. Is a state highway terminating within the City.

Driveway- means any access point from private property onto public right-of-way intended for vehicular use.

KDOT- means the State Department of Transportation.

Radius or taper- means the improved surface outside of the width of the driveway, normally triangular in shape and immediately adjacent to the street, designed to accommodate turning movements into and out of a driveway.

Right-of-way- means land, usually in a strip, which is dedicated to public ownership for street or highway transportation purposes.

State highway- means any state or federal highway which is part of the official state highway system of the State. KDOT approval is required for any driveway access or other modification along these routes.

Traffic control devices- means all signs, signals and pavements markings placed by or erected by the authority of the City or KDOT for the purpose of regulating, warning or guiding traffic.

Width or wide- means the measurement from one side of the driveway to the other, taken perpendicular to the centerline of said driveway, and exclusive of any radius/taper.

REVISED: (Ord. No. 3060-93, 04-07-93)

Cross reference-Definitions and rules of construction generally, § 1-101; 1-102.

**STREETS AND SIDEWALKS
CHAPTER 70**

Sec. 70-402 Compliance required for occupancy.

No certificate of occupancy for any building shall be issued unless the applicant for the certificate of occupancy shall have substantially complied with the requirements of this article.

REVISED: (*Ord. No. 3060-93, 04-07-93*)

Sec. 70-403 Applicability.

Nothing contained in this article shall be construed as exempting from regulation any driveway construction that may be otherwise regulated or permitted as set forth elsewhere in City Codes or any subdivision covenants and restrictions.

REVISED: (*Ord. No. 3060-93, 04-07-93*)

Sec. 70-404 Permits and fees.

- A. No person shall construct, relocate or remove a driveway unless he/she is in possession of a valid driveway permit issued by the administrative officer as provided for in this article.
- B. A separate application and permit is required for each driveway constructed, relocated or removed. The permit application shall include:
 - 1. Name, address and telephone number of owner, developer, contractor and applicant.
 - 2. Address of property where driveway is to be installed.
 - 3. Plot/site plan in an easily read scale, never smaller than one (1) inch equals sixteen (16) feet, showing, as a minimum:
 - a. Adjacent streets.
 - b. Property lines and dimensions.
 - c. Property corners adjacent to rights-of-way.
 - d. Existing and proposed site drainage.
 - e. Footprints of existing and proposed buildings.
 - f. Existing and proposed parking facilities.
 - g. Existing and proposed sidewalks.
 - h. Existing and proposed utilities.
 - i. Proposed traffic control, if applicable.
- C. At the time of filing an application for a driveway permit, a nonrefundable plan checking fee of ten dollars (\$10.00) shall be paid to the City.

STREETS AND SIDEWALKS
CHAPTER 70

- D. Any driveway access to City Connecting Links also requires a permit processed and issued by KDOT. The KDOT permit application must be approved by the City and can be initiated with the administrative officer.
- E. In the absence of other established procedures, KDOT approval must be obtained prior to application for a permit from the City.
- F. Plans requiring City approval prior to review and/or approval by a State agency shall be submitted according to requirements of the State and this article.
- G. Plans approved by the State and submitted to the City for review shall reflect any changes or corrections required by KDOT.

REVISED: (*Ord. No. 3060-93, 04-07-93*)

Sec. 70-405 Standards for driveways onto public streets.

The administrative officer shall have available typical construction drawings that illustrate examples of the specifications stated within this article. In the event of conflict between those drawings and this article, this article shall prevail.

- A. Design, construction and maintenance of any driveway entrances and related improvements within the right-of-way shall be the responsibility of the property owner. Such maintenance includes removal and/or clearance of windows of snow, ice or sleet that may be deposited by State, County or City crews or their contractors engaged in winter maintenance operations.
- B. Driveways shall be constructed so that they do not adversely affect drainage onto streets and highways, or onto adjacent properties. In no case shall a driveway cause water to flow across the highway pavement, to pond at the roadway shoulder, or to cause erosion within the right-of-way.
- C. Drainage collected by ditches, gutters or pipes, including sump pumps, on private property shall not be discharged directly into the street/highway drainage system unless expressly approved by the administrative officer through this permit procedure.
- D. Minimum standards for apron construction, including concrete curb and gutter, are as follows:
 - 1. After all excavation is completed and required forms and reinforcing steel are in place, and prior to any concrete pour, the administrative officer or his designee shall inspect the job for compliance with standards established in this article.
 - 2. The entire existing concrete curb and gutter section shall be removed with an appropriate concrete saw at right angles. Removal of only the raised portion of the curb is not authorized.
 - 3. That part of driveway entrances within the public right-of-way constituting the driveway apron and a continuation of existing concrete curb and gutter shall be a monolithic pour constructed to a minimum standards of Class A-AE 4000 p.s.i. concrete with a thickness of six (6) inches, and reinforced with 12x6-W4.0xW4.0 welded wire fabric.

STREETS AND SIDEWALKS
CHAPTER 70

4. New construction shall match and be structurally tied into the existing curb and gutter, maintaining the originally designed drainage flow line.
 5. At each joint created where the curb and gutter has been cut and removed, a fiber (bituminous) expansion joint no less than 0.5 inch thick shall be installed.
 6. The concrete apron shall extend away from the street to a point as high as the back of existing curbs to provide appropriate capacity for storm runoff. Any curbing along the radius/taper shall be extended in such a manner as to maintain flow within the structure.
 7. The entire apron, including radius/taper, shall fall on the permit holder's side of the extended side property line.
 8. A fiber (bituminous) expansion joint one (1) inch thick must be installed within the apron and behind the curb at a point no further than five (5) feet from the existing back of curb.
 9. Driveways constructed where there is no concrete curb and gutter shall match the existing roadway in such a manner as to cause surface drainage to flow immediately to a ditch adjacent to the driveway.
- E. Changes in driveway slope within the right-of-way should be no greater than a twelve (12) percent increase or an eight (8) percent decrease in order to prevent difficulty with vehicular ground clearance.
- F. Sidewalks approaching driveways within the public right-of-way shall have slopes no greater than one (1) unit of rise to twelve (12) units of run (12:1 slope) in order to accommodate persons with disabilities.
- G. Sidewalks within driveways in the public right-of-way shall be constructed to a minimum standard of Class A-AE 4000 p.s.i. Concrete with a thickness of six (6) inches, reinforced with 12x6-W4.0xW4.0 welded wire fabric.
- H. Sidewalks must be separated from the back of the curb and gutter by nothing less than a one (1) inch thick fiber (bituminous) expansion joint.
- I. That portion of any driveway within the public right-of-way should be constructed perpendicular to the centerline of the adjacent street.
- J. Each property shall be allowed at least one (1) driveway.
- K. Commercial and industrial properties may have more than one (1) driveway, as long as the sum of widths of all driveways does not exceed twenty-five (25) percent of the length of the property line abutting the street right-of-way.
- L. The following shall govern construction of driveways:

STREETS AND SIDEWALKS
CHAPTER 70

1. Residential driveways shall:
 - a. Be no less than twelve (12) feet and no more than thirty-two (32) feet in cumulative width for single-family residences. There may be more than one (1) curb cut for a residential driveway access, such as in a circular drive. However, such installations must fall within the limitations of the maximum cumulative width.
 - b. Be no less than twenty-four (24) feet and no more than forty-four (44) feet in cumulative width for multi-family residences.
 - c. Have a maximum allowable radius/taper of five (5) feet.
2. Commercial driveways shall:
 - a. Be no less than twenty-four (24) feet and no more than forty (40) feet wide, except that an approach up to fifty-two (52) feet wide may be authorized when a median no less than four (4) feet wide is installed to separate entrance and exit lanes.
 - b. Be no less than sixteen (16) feet wide for one-way approaches.
 - c. Have a minimum turning radius of fifteen (15) feet.
 - d. Have a minimum allowable radius/taper of fifteen (15) feet in the apron.
 - e. Not be designed such that backing vehicles onto the street or highway is necessary. Sufficient turnaround space must be provided.
3. Industrial driveways shall:
 - a. Be no less than twenty-four (24) feet and no more than sixty (60) feet wide for two-way approaches.
 - b. Be no less than sixteen (16) feet wide for one-way approaches.
 - c. Have a minimum turning radius of fifteen (15) feet.
 - d. Have a minimum allowable radius/taper of twenty-five (25) feet in the apron.
 - e. Not be designed such that backing vehicles onto the street or highway is necessary. Sufficient turnaround space must be provided.

REVISED: (*Ord. No. 3579-06, 06-07-06*)

Changed 7/28/06

STREETS AND SIDEWALKS
CHAPTER 70

- M. When driveway approaches are located on properties at a street intersection, such driveway approaches shall be no closer than fifty (50) feet to the property corner at the intersection, as those points may be extended to the curb or pavement edge.
- N. The minimum length of safety islands shall be twenty-four (24) feet between driveway entrances, measured at property lines.
- O. Landscaping is permissible within the right-of-way. Shrubs are to be maintained at a maximum height of thirty (30) inches and trees are to be trimmed so that sight distance is not restricted. Property owners or residents adjacent to the right-of-way are responsible for all grounds maintenance activities within the right-of-way, including, but not limited to, tree, lawn and garden care.

REVISED: (*Ord. No. 3060-93, 04-07-93*)

Sec. 70-406 Penalty for violation of article.

Any person who violates a provision of this article shall upon conviction be subject to a fine of up to five hundred dollars (\$500.00). Each day that any such violation exists shall constitute a separate violation and may be punishable as a separate offense.

REVISED: (*Ord. No. 3060-93, 04-07-93*)

