

## CHAPTER 15

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## Article I. In General

### **Sec. 15-101 Burning trash on streets, etc., prohibited.**

It shall be unlawful for any person to burn any brush, shavings, refuse or other combustible material on any street, alley, sidewalk or other public ground within the city except as provided in the Uniform Fire Code and any amendments thereto. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-102 Hauling sand, etc., over streets.**

It shall be unlawful for any person, in hauling sand or any other article or substance whatsoever, in and over any of the streets, alleys or public highways of the city, to permit such sand or other articles or substance whatsoever to escape from the vehicle in which the same is being hauled and to fall upon such streets, alleys or public highways. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-103 Obstructing streets or sidewalks generally.**

Any person who shall obstruct any street, alley, public grounds or sidewalks within the city, by piling, placing or maintaining thereon or therein any filth, litter, debris, equipment or other materials, or any goods, wares, merchandise or signs, or by placing or erecting any building or fence thereon, or by placing any benches or seats on any part of any sidewalk, or by removing any earth from any street, alley or public grounds or sidewalk except as hereinafter provided shall, upon conviction, be deemed guilty of a misdemeanor; provided, that nothing herein shall be so construed as to prohibit persons engaged in the erection of buildings or improvements from using a portion of the street adjacent to such building or improvements, in such manner and to the extent prescribed by the building regulations of the city; provided further, that the governing body shall have authority to grant the temporary use of the streets, alleys, sidewalks and public grounds in the public interests and when such permission is granted, this section shall not apply but such permission shall state for what purposes and the length of time such streets, alleys, sidewalks or public grounds shall be used and any violation of such permission shall be unlawful. (*Ord. 6729, Adop. 5/29/1977; Ord. 6003, Adop. 7/14/1970*)

### **Sec. 15-104 Obstructing gutters.**

It shall be unlawful for any person to obstruct any gutter within the city; provided, that the city manager may grant a permit for temporary crossings across gutters, curbs, parkings and sidewalks during construction of improvements. During construction of improvements, curbs and gutters shall be protected from damage by crossing vehicles or equipment by installation of temporary planking or by earthfill. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-105 Obstructions to be lighted.**

It shall be unlawful for any person to place or leave building materials, derricks, ropes, machinery or other obstructions of any kind on any street, alley or avenue of the city after dark, without placing one or more flashing yellow barricade warning lights thereon at each point of approach thereto, and keeping the same operable throughout the night. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-106 Construction requiring streets to be closed - Barricades and warning signs - Required.**

It shall be the duty of each person who has entered into any contract to repair, build, rebuild, alter, construct or reconstruct any street, alley or sidewalk, or any part thereof, in the city, where the work so undertaken requires the closing of any street, alley, sidewalk or portion thereof, or renders the same impassable or dangerous to travel while such public work is being done, to place at the intersection of all streets, alleys, or sidewalks leading thereto, barricades and warning signs, advising the public that such street, alley or sidewalk is closed or is impassable or dangerous to travel. Such warning signs shall be illuminated through the night by steady burning yellow electric lamps. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-107 Same - Destruction or removal prohibited.**

It shall be unlawful for any person to destroy or remove, without authority, any barricade, warning sign or light when the same is being used in accordance with the provisions of the preceding section. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-108 Same - Driving over prohibited; exception.**

It shall be unlawful for any person to drive on a hard-surfaced street or alley under construction or to walk on any sidewalk under construction, without authority from the proper officials, when such street, alley or sidewalk is barricaded and suitable warning signs have been placed to advise that such street, alley or sidewalk is closed to traffic; provided, that nothing in this section shall be construed as prohibiting or restricting the regular authorities of the city, county, state and federal government from having free access to the work at all times. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-109 Penalties for violation of three preceding sections.**

Any person violating any of the provisions of the three preceding sections shall, upon conviction, be deemed guilty of a misdemeanor. In addition to the penalty provided in section 1-106 of this Code, any person adjudged guilty of violating the provisions of the preceding section shall be required to reimburse the contractor or the city for any damages to the work or to the barricades, signs or lights. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-110 Removal of snow or ice from sidewalks.**

It shall be unlawful for the owners or occupants of property within the corporate limits of the city, to allow the accumulation of snow or ice on the sidewalk abutting property for a period of more than 12 hours from the fall or accumulation thereof. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-111 Public meetings prohibited on streets.**

It shall be unlawful for any person, firm , corporation or association to hold or conduct any lecture, show, auction, religious service or public meeting of any kind or character upon any street within the city without prior written approval of the governing body. (*Ord. 6729, Adop. 5/29/1977; Ord. 6018, Adop. 9/08/70*)

**Sec. 15-112 Congregating on streets, sidewalks, etc.**

No crowd or collection of persons shall stand upon any street, avenue or sidewalk so as to prevent, interrupt or obstruct the travel upon or free passage along the same, nor stand or loiter on the sidewalk in front of or at the side of any business to the annoyance or detriment of the occupant thereof, or of other persons. Any person found violating any of the provisions of this section, who, after having been ordered by the chief of police or any police officer to move or to disperse, shall neglect or refuse to do so, shall, upon conviction, be guilty of a misdemeanor. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-113 Authority to obtain state aid to improve connecting links of State Highway System.**

The mayor and the city clerk are authorized and directed to execute for and on behalf of the city contracts by and between the city and Department of Transportation for the purpose of obtaining the benefit of state aid for the improvement of streets designated as city connecting links on the State Highway System on terms and conditions set forth in such contracts as may be prepared and approved by the Department of Transportation. (*Ord. 6729, Adop. 5/29/1977*)

**Sec. 15-114 Unlawful to number curb adjacent to a building without owners express authorization.**

It shall be unlawful for any person to mark any building number on an adjacent curb or other public property unless such person has first obtained express authorization therefor from the owner or occupant of such building.

## Article II. Street Excavations and Construction Work

### **Sec. 15-201 Compliance with article required.**

No person, other than authorized city employees, shall dig or excavate any hole, ditch, trench or tunnel in or under any street, avenue, alley, park or parking lot, sidewalk or other public property or any public easement through, over or across private property without having first complied with the requirements of this article; provided, that this section shall not apply to construction or reconstruction of driveway approaches or sidewalks, or construction pursuant to any contract administered by the city engineering department. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-202 Permit required; application generally.**

Any person desiring to do any of the types of work set forth in the preceding section shall first make application to the director of public works or his authorized representative for a permit thereof. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-203 Same - Approval of application; issuance; fee.**

When an application for a permit, made pursuant to the preceding section, is approved by the director of public works, a permit thereof shall be issued upon payment of a fee of \$1.00. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-204 Same - Form of application.**

All applications for permits, made pursuant to the provisions of this article, shall be made on forms provided thereof by the director of public works. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-205 Same - To cover one piece of work.**

Any permit issued pursuant to the provisions of this article, shall cover only one excavation or project, the plans of which have been approved by the director of public works. (*Ord. 6729, Adop. 5/29/1977*)

### **Sec. 15-206 Same - Insurance required; amount, conditions, etc.**

a. No permit shall be issued under the provisions of this article until the applicant has given to the city a good and sufficient certificate of insurance in a company approved by the director of finance, evidencing that he has a comprehensive general liability and property damage policy that included contractual coverage with minimum limits of \$100,000 for injuries, including accidental death to any one person, and subject to the same limits for each person; and in an amount not less than \$300,000 on account of injuries sustained in any one accident; and property damage insurance in an amount not less than \$20,000 for each accident. The certificate of insurance shall contain a provision indemnifying the city, and the

policy shall be so endorsed, that the company shall notify the city in writing of any change or cancellation at least 10 days prior thereto.

b. The requirements for subsection "a" hereof shall not apply to issuance of any permit based upon an application which affirmatively shows that the applicant will personally perform the work covered by the permit and that such work will be performed exclusively in connection with property owned by the applicant and actually used by the applicant as his or her residence. (Ord. 6729, Adop. 5/29/1977)

**Sec. 15-207 Same - Work to be done under the direction of the director of public works.**

All work done under the permits issued pursuant to the terms of this article shall be done under the direction and to the satisfaction of the director of public works. Adequate precautions shall be taken to protect public property from damage by trenching or operation of other necessary equipment. (Ord. 6729, Adop. 5/29/1977)

**Sec. 15-208 Same - Refusal of permit based on prior noncompliance with article; etc.**

Any person who fails, refuses or neglects to comply with the provisions of this article, or any reasonable orders of the director of public works issued pursuant thereto, shall, upon conviction, be deemed guilty of a misdemeanor, and the director of public works may, in addition, refuse to issue further permits to such person or halt any work subject to this article, which is being performed by such person, until compliance is effected. (Ord. 6729, Adop. 5/29/1977)

**Sec. 15-209 Excavation to be guarded; liability of permittee for injury, etc.**

All persons to whom any permit is issued, as provided in this article, shall enclose all excavations which they may make in the public streets, avenues or alleys, with sufficient barriers, barricades and danger signs at all times, and shall maintain sufficient flashing yellow barricade warning lights at night, and shall take all necessary precautions to guard the public against all accidents from the beginning of the work to the completion of the same. Such barricading and use of traffic control devices shall be in conformance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" as adopted by the City. Each barricade shall identify the name of the permittee; provided, that such identifying markings shall not exceed 1 foot in length or 2 inches in height. They shall make such excavations only on condition that they are liable for damages that any be sustained by the City in consequence of any accident to persons, animals, vehicle, conduits or property of any kind resulting therefrom. (Ord. 6729, Adop. 5/29/1977)

**Sec. 15-210 Refilling excavations generally; disposal of surplus material.**

Refilling of any excavations permitted by this article shall be made with such material and in such manner as may be directed by the director of public works. (Ord. 6729, Adop. 5/29/1977)

**Sec. 15-211 Permittee to notify street department when ready for refilling and surface repair.**

a. Upon completion of the work covered by this article, and before any refill may be done in any sidewalk, curb, gutter or pavement, the permittee shall notify the street department of the city that such excavation is ready for refilling and surface repair. In the event notice of such completion of work is given to the street department before the hour of 12 noon of any day of the week except Saturday or Sunday, the street department will inspect the work not later than 5 p.m. of such day. If such notice is received later than 12 noon of any day of the week except Saturday or Sunday, the street department shall inspect such work not later than 12 noon of the following day. Upon such inspection, the street department official in charge may authorize the permittee to commence refilling under street department supervision. Alternatively, such official in charge of the inspection may, when it is deemed to be necessary to assure proper refilling, require that such refilling be accomplished by city personnel. All costs incurred by the City in accomplishing such refilling shall be taxed to the permittee as provided in this article.

b. For the purpose of computing the time for inspections made pursuant to subsection "a" hereof, legal holidays will not be considered as "following days".  
(Ord. 6729, Adop. 5/29/1977; Ord. 6188, Adop. 4/11/1972)

**Sec. 15-212 Cost of repairs and replacements.**

a. The permittee shall pay to the city an amount computed in accordance with this section as compensation for any refilling or resurfacing made necessary by such permittee's excavation, and accomplished by the City. Charges for such refilling or resurfacing shall be based on the prevailing wage rates, equipment rental and material costs, as approved by the city manager; provided, that a minimum charge of \$30.00 shall be paid for each paving cut; a minimum charge of \$15.00 shall be paid for each separate excavation in a dirt or gravel street. The area to be excavated, removed, repaired or replaced shall be determined by the superintendent of streets or his authorized representative.

b. Notwithstanding the provisions of subsection "a" hereof, in the case of the construction or improvements by public utility companies, which improvements involve large scale backfill and/or repair operations, such backfill or repair shall be made in accordance with specifications provided by the city engineer, and the city manager may assess a reasonable charge therefor against such utility company.  
(Ord. 6729, Adop. 5/29/1977; Ord. 6188, Adop. 4/11/1972)

### **Article III. Poles and Wires in Streets**

#### **Sec. 15-301 Installation, erection, etc., generally.**

All electric, telephone and telegraph lines, poles, brackets, wires, cables, conduits, pipes and appliances installed, constructed, operated or maintained by any person , within the city shall be so installed, erected, constructed, operated and maintained as to cause the least inconvenience to the public in its use of the streets, alleys, avenues and other public grounds of the city, and shall, whenever practicable, be installed, constructed and erected in the alleys of the city, or when such is not practicable, they may be installed, erected, constructed, operated and maintained in the streets, avenues or other public parks or grounds, and shall be located, placed or relocated at such place as the governing body, or its duly authorized representative, directs and without expense to the city or abutting property owners. (*Ord. 3014, Adop. 12/05/1947*)

#### **Sec. 15-302 Not to interfere with or obstruct water lines, gas lines, sewers, etc.**

The poles, brackets, wires, cables, conduits, pipes or appliances, mentioned in the preceding section shall not be placed or installed either above or underground, in the streets, alleys, avenues, public parks or public grounds so as to interfere with or obstruct the construction or location of any water line, gas line, drain or sewer, or the flow of water therein, that has been or may be placed by authority of the governing body, or its duly authorized representative. (*Ord. 3014, Adop. 12/05/1947*)

#### **Sec. 15-303 Removal, resetting, relocating, etc.**

Whenever, because of public necessity or the welfare of the public generally, a change of grade, regrading or widening of streets, alleys, avenues, construction or reconstruction of water lines, gas lines, sewers, conduits, drainage ditches, watercourses, playgrounds or street improvements are made, poles, brackets, wires, cables, conduits, pipes or appliances, which have been erected, set or constructed or located, which impede, interfere or obstruct such public improvements, the person erecting same shall, upon the receiving of notice in writing from the governing body, or its duly authorized representative, within a reasonable time, remove, reset and relocate such wires, poles, brackets, cables, conduits, pipes or appliances under the direction of the governing body, or its duly authorized representative, at no expense to the city. (*Ord. 3014, Adop. 12/05/1947*)

### **Article IV. Construction and Repair of Sidewalks**

#### **Sec. 15-401 Sidewalk construction permit required; specifications.**

It shall be unlawful for any person to construct or reconstruct any public sidewalk in the city unless such person shall first obtain a permit from the city engineer. Such work shall be done in accordance with the plans and specifications established from time to time by the city engineer.

## **Sec. 15-402 Sidewalk Repair**

It shall be the duty of the owner of the abutting property, pursuant to K.S.A. 12-1801 et seq., to keep a sidewalk in repair. If the property owner fails to do so after notice, repairs may be made by the City and costs will be assessed to the property owner. (Ord. 2006-18, Adop. 6/20/2006)

## **Article V. Driveway Approaches**

### **Sec. 15-501 Definitions.**

For the purpose of this article, the following definitions shall apply to these words:

**“Business driveway approach”** A driveway approach providing ingress and egress to any property other than residential property.

**“Corner”** The point of intersection of the lines of two street curb faces extended into the street intersection.

**“Curb parking space”** A length of curb equal to 18 feet where an automobile or other vehicle can park.

**“Curb return”** That portion of a curb next to a driveway approach which includes the radius of curvature or the ramp-type lug on commercial or industrial type pavements and which connects the driveway approach to the street curb.

**“Driveway”** A place on private property for the operation of automobiles and other vehicles.

**“Driveway approach”** An area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from a roadway of a public street to private property, and providing access to something definite on private property such as a parking area, a driveway, or a door at least 7 feet wide intended and used for the entrance of vehicles.

**“Outside sidewalk line”** A line parallel to the property line lying along the edge of the sidewalk nearest the street roadway or curb; or where no sidewalk exists, a line in the street right of way parallel to and 4 feet from the line of the private property.

**“Parcel of land”** A lot or lots, or a tract officially registered under one ownership.

**“Resident driveway approach”** A driveway approach providing ingress and egress to residential property.  
(Ord. 3528, Adop. 4/11/1952)

**Sec. 15-502 Classification.**

Driveway approaches shall be of the following two classes:

- a. Resident driveway approaches.
- b. Business driveway approaches.

*(Ord. 3528, Adop. 4/11/1952)*

**Sec. 15-503 Construction for use of parking spaces only prohibited.**

It shall be unlawful for any person to construct, alter or extend, or permit or cause to be constructed, altered or extended any driveway approach which can be used only as a parking space or area between the curb and private property. *(Ord. 3528, Adop. 4/11/1952)*

**Sec. 15-504 Construction permit - Required.**

It shall be unlawful for any person to cut, break out or remove any curb along a street or alley without first obtaining a permit for a driveway approach, as provided in this article. *(Ord. 3528, Adop. 4/11/1952)*

**Sec. 15-505 Same - Application.**

Any person desiring to construct a driveway approach across any curbing, parking, sidewalk, or sidewalk space, shall first make application to the city engineer for a permit therefor. Such application shall be in writing upon a form provided by the city, and made available at the office of the city engineer. Such application shall contain information showing the type of construction, the width of the proposed driveway approach, the location of such driveway approach by lot and block number, as well as by street and house number, and such other information as may be required by the city engineer. The application shall be filed by the property owner desiring to construct such driveway approach or by his duly authorized agent. *(Ord. 3528, Adop. 4/11/1952)*

**Sec. 15-506 Same - Issuance.**

The permit required by Sec. 15-504 shall be issued by the city engineer if he has determined that the applicant has complied with the terms of this article and paid the permit fee specified in Sec. 15-507.

**Sec. 15-507 Same - Fees.**

The fees for permits for the construction of driveway approaches provided for in this article shall be as follows:

a. For a resident driveway approach, \$2.00.

b. For all other driveway approaches, \$7.50 each.  
(Ord. 3528, Adop. 4/11/1952)

**Sec. 15-508 Same - Revocation.**

All permits granted for the use of public property under the terms of this article shall be revocable at the will of the governing body.

**Sec. 15-509 Authority of city engineer.**

All work done under a permit issued in compliance with this article shall be under the direction and supervision of the city engineer, who is hereby authorized to make the necessary rules, regulations and specifications with respect to materials for and method of construction of such driveway approaches. A permit issued under the provisions of this article may be revoked by the city engineer at any time he is satisfied that the work is not being performed according to the provisions hereof. (Ord. 3528, Adop. 4/11/1952)

**Sec. 15-510 Submission of plans to city engineer.**

Any plans submitted to the building official for approval which include or involve unusual driveway approaches or problems, shall be referred to the city engineer for his approval before a building permit shall be issued.

**Sec. 15-511 Construction requirements - Generally.**

In addition to the rules, regulations and specifications promulgated by the city engineer with respect to driveway approaches, the following requirements shall be complied with in the work done under the provisions of this article:

a. The outside of the driveway approach shall be a straight grade from the top of the curb to the grade of the outside sidewalk line.

b. No curb cuts shall be made beyond any property line as projected except when consented to in writing by the adjoining property owner involved.

c. The top of the paving of the driveway slab at the back of the curb line shall be 1 5/8 inches above the flow line of the gutter and shall slope in a straight line to the flow line of the gutter, and shall be constructed in a manner that will not interfere with or obstruct the drainage in the street.

d. The owner and contractor shall protect the public from injury or damage during the construction of driveway approaches and it is herein stipulated, as an essential condition

to the issuance of a permit, that the City shall not be liable for damage which may arise from the prosecution of work.

*(Ord. 4130, Adop. 3/10/1956)*

**Sec. 15-512 Same - Widths and locations.**

In addition to the width restrictions relative to driveway approaches set out in the two following sections, the following limitations on the width and location of driveway approaches for each parcel of land shall also be complied with:

a. Where the frontage of the parcel of land does not exceed 38 feet in width, there may be constructed only one driveway approach.

b. Where the frontage of the parcel of land exceeds 38 feet in width, the curb cuts for driveway approaches shall not exceed 60% of the frontage of such parcel of land provided, however, that at least one curb parking space shall separate each driveway approach.

c. No portion of a driveway approach except the curb return, shall be constructed within 18 feet of a corner.

*(Ord. 4130, Adop. 8/10/1956)*

**Sec. 15-513 Same - Resident approaches.**

Resident driveway approaches shall not exceed 20 feet in width at the outside sidewalk line, and the curb cut shall not exceed the width of such driveway approach at such outside sidewalk line by more than 10 feet. *(Ord. 3528, Adop. 4/11/1952)*

**Sec. 15-514 Same - Business approaches.**

Business driveway approaches shall not exceed 35 feet in width at the outside sidewalk line, shall have at least one curb parking space between driveway approaches and the curb cut out shall not exceed the width of the driveway approach at the outside sidewalk line by more than 10 feet. All business driveway approaches shall be paved. *(Ord. 4130, Adop. 8/10/1956)*

**Sec. 15-515 Maintenance and removal.**

a. Every driveway approach or entrance to abutting property shall be maintained and kept in a safe condition by the owner of the abutting property, and any such driveway approach which shall not be so maintained and kept or which shall interfere with or obstruct the drainage carried by such street or the use of such street for the purpose of travel shall be repaired to conform with the specifications of this article and the city engineer or be removed. Upon the removal of any such driveway approach, that portion of the street occupied by the same shall be restored as nearly as practicable to its former condition and all curbing shall be replaced, all by and at the expense of the owner of the abutting property.

b. Whenever any driveway approach constructed under the provisions of this article no longer provides access for vehicles to something definite on private property, such as a parking area, a driveway or a door at least seven feet wide intended and used for the entrance of vehicles, such driveway approach shall be removed forthwith, and that portion of the street occupied by the driveway approach shall be restored as nearly as practicable to its former condition and all curbing shall be replaced, all by and at the expense of the owner of the abutting property.

*(Ord. 3528, Adop. 4/11/1952)*

### **Sec. 15-516 Variances from article.**

The city engineer is hereby authorized to grant in writing variances from the strict application of the provisions of this article, provided he first determines that the following conditions are present:

a. The exception or variance desired is not against the public interest, particularly safety, convenience and general welfare;

b. The granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants;

c. The strict application of the terms of this article will work an unnecessary hardship on the property owner or tenant.

*(Ord. 6509, Adop. 3/16/1976)*

## **Article VI. Outdoor Dining**

### **Sec. 15-601 Application for Outdoor Dining Permit**

Upon application to the City, and notice and opportunity to comment afforded to the public, an Outdoor Dining permit for a property in an area bounded by 6th Street to Carey Park, and one block either side of Main may be issued. That permit will allow the location of diverters, plantings, stands, tables, lighting, seating, devices for protection of patrons from the elements and other devices for the sale and service of prepared meals and beverages upon public sidewalks or public spaces.

This application shall comply with the administrative requirements established by the City. If an objection to the application is received, the City shall hold a public hearing and shall make a decision on the issuance of the permit. A permit denial may be appealed to the City Council, in writing, delivered to the City Clerk within one week (7 days) of the decision by the City.

*(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-602 Compliance by established business**

A business which established Outdoor Dining before the effective date of this ordinance, shall be granted a permit and given a maximum of thirty (30) days to comply with the administrative requirements established by the City. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-603 Alcoholic liquor, cereal malt beverages**

An applicant for an Outdoor Dining permit which may include the serving of alcoholic liquor or cereal malt beverages must comply with all City code requirements relative thereto. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-604 Notice and Hearing**

Notice of a pending application shall be sent to property owners within 200 feet of the subject property. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-605 Permit fee**

The permit fee shall be established from time to time by Resolution of the Governing Body. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-606 Approval of Application; Issuance**

On approval of the application for the permit referred to in the preceding section, and upon payment of the required fee, the permit shall be issued by the City for the Outdoor Dining permit. This permit is in addition to any other license or permit required. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-607 Authority to Grant Renewal of Permit Previously Issued**

The issuing authority may grant annual renewals of permits previously granted under the provisions of the preceding section upon the payment of annual permit fees to the City Clerk and proof of continuation in force of such liability insurance as was originally required for such permit, unless the City Council shall direct that such renewal not be issued. *(Ord. 2007-10, Adop. 3/06/2007)*

### **Sec. 15-608 Liability of Permittee**

It shall be a condition of the issuance and use of permits and permit renewals granted under the provisions of this chapter that the permittee shall save and hold the City, its employees and agents harmless of any and all liability, claims or expenses of any kind caused by, or growing out of, the construction, maintenance, operation, discontinuance or abatement of the facilities and activities permitted. The permit applicant shall provide evidence of liability insurance in a minimum coverage amount of \$500,000 or an amount as may be required by

State law, naming the City of Hutchinson as additional insured. The insurance coverage must be in force for the duration of the permit, and provide coverage for all potential losses that could be incurred under the above hold harmless obligation. (*Ord. 2007-10, Adop. 3/06/2007*)

#### **Sec. 15-609 Revocation of Permit**

The permits which may be granted under this chapter are personal privileges which may be revoked by the issuing authority for violation of the ordinances of this chapter or for violations of any regulations promulgated by the City for the uniform administration of the permitting and renewal process. The City shall establish a policy governing the potential of reinstatement of the Outdoor Dining permit designed to discourage repeat offenses. (*Ord. 2007-10, Adop. 3/06/2007*)

#### **Sec. 15-610 Administrative regulations**

The City shall from time to time establish regulations to administer and enforce the provisions of this ordinance. These may include, but are not limited to, ADA accessibility, line of sight requirements, emergency repairs to sidewalks and other public areas, design standards and incorporation of the Outdoor Dining with the City downtown streetscape master plan. (*Ord. 2007-10, Adop. 3/06/2007*)