

AN ORDINANCE AMENDING CHAPTER V ENTITLED "BUILDING AND CONSTRUCTION" BY ADDING ARTICLE 6 ENTITLED "CUTTING PAVEMENT AND EXCAVATION" REQUIRING PERMITS, BONDS OR DEPOSITS, AND OTHER STANDARDS AND CONDITIONS TO BE REQUIRED OF PERSONS OR ENTITIES MAKING CUTS OR EXCAVATIONS ON PUBLIC PROPERTY OR RIGHTS-OF-WAY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. The Municipal Code of the City of Westwood Hills is hereby amended by adding the following as Article 6 of Chapter V thereof:

"ARTICLE 6. CUTTING PAVEMENT AND EXCAVATION

6-101. EXCAVATION, REPAIR AND MAINTENANCE IN EXISTING STREETS, PUBLIC RIGHTS-OF-WAY. Any work or construction hereinafter done on the public streets or rights-of-way of Westwood Hills shall meet the minimum standards set forth in this Chapter.

6-101. PERMIT No person or entity shall make or cause to be made any cut or excavation in, through, or under any street, sidewalk, alley, public rights-of-way, or any other public place in the City for any purpose whatsoever without a permit therefore first being obtained from the City.

6-103. LOCATION AND INSURANCE. No permit shall be issued unless an application be made in writing by the person desiring to make the cut or excavation accompanied by a map or diagram showing the location of the proposed cut or excavation in such manner that the house number or lot number in front of which said excavation is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut or excavation. The application shall set forth the purposes for which the cut is made and any other information demonstrating the need for such cut. The application for permit shall also be accompanied by certificates showing the applicant is insured under policies of comprehensive public liability and property damage including automobiles and trucks with limits of \$500,000.00 to any one person, \$500,000.00 for any one accident, and \$500,000.00 property damage for any one accident. Said insurance shall also name the City of Westwood Hills as a named insured on each policy.

6-104. COST. The sum of \$25.00 shall be charged for each permit. Except as otherwise herein provided, the further sum of \$500.00 shall be placed on deposit with the City Clerk to guarantee the cost of refilling or repaving by the City as set forth in action 6-106. The cost of the work shall include inspection fees, if any, to be paid out of the deposits and the surplus, if any, shall be returned by the City Clerk upon approval by the governing body to the applicant not sooner than twelve months after the date of the last resurfacing act. The City Clerk shall issue the permit after the permit fee and the deposit herein set forth have been paid and the requirements in Section 6-101 have been met. No permit shall be assignable.

A. No subsequent permits shall be issued to the same party unless the full cash deposit is maintained after any levies by the City may have been charged against him.

B. If the proposed cut shall be greater than twenty square feet, the deposit required shall be increased on the basis of \$100.00 for each additional twenty square feet or fraction thereof of surface excavation or tunneling.

C. Any public utility making a cut or tunnel may, in lieu of the deposit required herein above, post with the City Clerk, a performance bond, to be renewed annually, of not less than \$10,000.00 which will guarantee the cost of repairing the affected areas for a period of at least one year after completion and acceptance of the job. The term "public utility," as used in this ordinance, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of this City, or the conveyance of oil or gas through pipelines in or through any part of this City (except pipelines not operated in connection with, or for the general commercial supply of gas or oil), or for the operation of any trolley lines, street, electrical, or motor railway doing business in this City; also all dining car companies doing business within the City, and all companies for the production, transmission, delivery or furnishing of storm sewers, sanitary sewers, heat, light, water, community access television, electricity, or power.

6-105.

MANNER OF EXCAVATION; NOTICE TO CITY. The person making the cut or excavation in any street, sidewalk, alley, public rights-of-way, or other public place shall cause the same to be done with the least possible damage and shall excavate earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit uninterrupted passage of water along the gutters. The excavation or cut shall be filled at the end of each working day, except when approved by the Building Inspector or his designee. Broken pavement, earth and debris removed by excavation, shall also be cleaned up and removed at the end of each day and all debris shall be completely removed from the site of the work at the completion of such work. The excavation or trench shall have straight vertical sides and shoring, siding, and bracing shall be employed where necessary to prevent cave-ins.

Curb Cuts - If curbs are cut, they shall be removed to the next joint, or if this joint is more than three (3) feet beyond the proposed curb cut, a new joint shall be created by saw cutting the curb in a straight line.

Optional Methods:

1. Tunneling - Installation of utilities may be made in tunnels where approved by the Building Inspector or his designee.
2. Boring - Street crossings may be made by boring when approved by the Building Inspector or his designee.

The Building Inspector or his designee and the Police Department shall be notified whenever a road is to be blocked or opened to traffic.

6-106

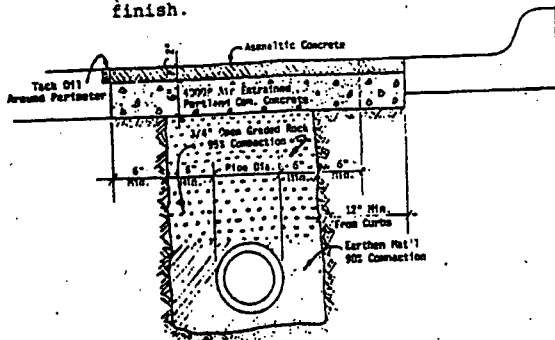
BACK-FILLING AND RESURFACING. No back-filling or resurfacing shall begin until an inspection and/or approval of the excavation by the Building Inspector or his designee is made. The filling of all cuts and excavations made in any street, sidewalk, alley, or other public place in the City shall be made by persons making the cut or excavation by the following methods:

A. In roadways. A layer of earthen material, compacted to 90 percent density, may be used up to the top level of the pipe. Further, 3/4 inch open grade rock, with a maximum of 5 percent fines compacted in 8 inch lifts to 95 percent with a vibratory compactor, shall then be used to fill the excavation to a point 8 inches from the finished surface. Preparation for resurfacing the cut or excavation in any street or alley in the City shall be made by the person making the cut or excavation in the following manner:

1. The cut through the wearing surface material shall be removed six inches beyond the edges of the cut of the excavation in such manner as to leave the subgrading undisturbed;
2. All cuts shall be vertical and shall be made with an instrument which will produce straight, vertical lines.

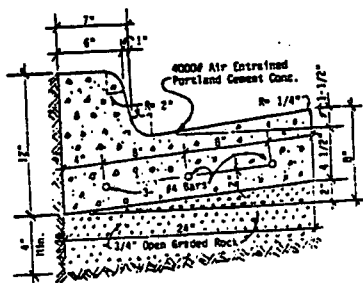
A 6 inch portland cement concrete cap shall be

poured over the back-filled excavation as shown in the accompanying detail. A 2 inch asphaltic surface shall then be applied. The resurfacing material shall be bonded to adjacent surface with tack oil, and shall match the inch per foot toward the street (see accompanying detail) and shall have a broom finish.



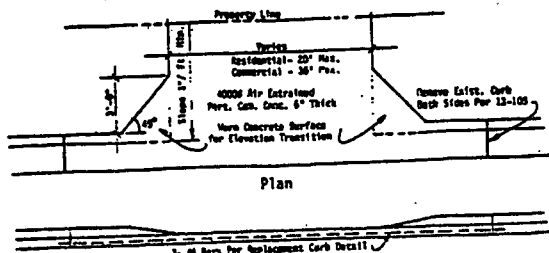
STREET CUT REPAIR
NTS

B. **Curb Replacement.** Curbs shall be replaced within 14 days after removal. The new curb shall bear on a minimum of 4 inches of 3/4 inch open graded rock, compacted to 95 percent. The new curb shall match the profile of the abutting existing curb, generally conforming to the accompanying detail Three #4 bars, doweled a minimum of 4 inches into the abutting curb shall be placed in the base.



REPLACEMENT CURB DETAIL
NTS

C. **Drive Approaches.** Existing curbs shall be removed as required in Section 6-105 and the area over-excavated to a point a minimum of 4 inches below the bottom of the proposed curb. The configuration of the new drive approach shall match other drive approaches which exist within a radius of 100 feet; or at the option of the Building Inspector or his designee shall match the configuration shown the accompanying detail. Material specs and thicknesses shall match the accompanying detail.



DRIVEWAY DETAIL
NTS

D. **Greenways.** Backfill in unsurfaced parkway areas behind the curb shall be with clean black dirt, compacted to 90 percent density to a point 2 inches below the surrounding finished grade.

The area shall then be sodded to match adjacent area. Contractor shall water new sod daily for seven (7) days after it is placed.

During each backfill and resurfacing, all materials shall be removed at the end of each working day. Within five working days after completion of pavement repairs or any portion thereof, all equipment, debris, and surplus excavation materials shall be completely removed from the site in order to minimize the damage to pavement and inconvenience to the public and adjoining owners.

In the event of subsequent deterioration of the surface due to inferior refilling or resurfacing, the Building Inspector or his designee shall request the person having made the cut to repair the defective cut. If action is not taken within 14 days time, the City shall repair the cut and levy the cost of the repairs against the person making the cut and/or the person causing the cut to be made. After application of the deposit required under section 6-104, the excess costs, if any, shall be paid by the person or persons against whom the levy has been made.

6-107. **BARRICADES AND LIGHTS.** All open trenches and other excavations shall be provided with suitable barriers, signs, lights, or other traffic control devices to the extent that adequate protection is provided to the public against accident by reason of such open construction. Obstructions such as material piles and equipment, shall be provided with similar warning lights and signs.

All barricades and obstructions shall be illuminated by means of amber lights at night, and all lights used for this purpose shall be kept burning from sunset to sunrise. Materials stored upon or alongside public streets and highways shall be so placed, and the work at all times shall be so conducted as to cause the minimum obstruction and inconvenience to the traveling public.

All barricades, signs, lights, and other protective devices shall be installed and maintained in conformity with applicable statutory requirements and, where within state highway rights-of-way, as required by the authority having jurisdiction thereover.

It shall be unlawful for any person without proper authority to move or remove barricades or protective devices placed in accordance with this section.

6-108. **CLEATED OR FLANGED WHEELS ON PAVEMENT PROHIBITED.** It shall be unlawful for any person to drive or operate any vehicle equipped with cleated or flanged wheels upon any of the paved streets or alleys of the City in such a manner as to cause injury or damage to such paved street or alley.

6-109. **DAMAGE OR MODIFICATION TO PAD OR CURBS.** It shall be unlawful for any person to break, damage or injure any paving or curb on any street or alley of the City. It shall further be unlawful to modify or alter any paving, curb, or gutter.

6-110. **STORAGE ON PUBLIC PROPERTY.** It shall be unlawful for any person to place, leave or store, or cause to be placed, left or stored any implements, dead automobiles or vehicles, tools, boxes, merchandise, goods, trash, cans, crates, or junk upon public property except for the purpose of loading or unloading the same.

6-111. **OBSTRUCTING STREETS.** It shall be unlawful for any person to deposit or cause to be deposited any garbage, trash, or other refuse, including grass, leaves, ice, snow, dirt or any other foreign substances, unto any streets or gutters of the City, when such deposits obstruct or, in any way, interfere with the free flow of traffic or running water upon the streets.

6-112. **PENALTY.** Anyone violating the provisions of this Article 6 shall be guilty of an ordinance violation and upon conviction thereof shall be punished by (a) a fine in an amount not exceeding \$500.00 or (b) confinement in the county jail for a period not exceeding 90 days, (c) or by both such fine and confinement. Each day that a violation continues shall be deemed to be a separate offense. Any penalty imposed under the provisions of this Section 6-112 shall be in addition to all other remedies and charges that may be imposed under other provisions of this Article 6.

Section 2. This ordinance shall take effect and be enforced from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, and approved by the Mayor this 3rd day of February, 1992.

/s/ Al W. Tikwart, Jr.
Al W. Tikwart, Jr. Mayor

ATTEST:

/s/ Patti Fuhrman
Patti Fuhrman, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks/days) the first publication thereof being made as aforesaid on the 3rd day of, April 19 92, with subsequent publications being made on the following dates:

_____, 19____, _____, 19____
_____, 19____, _____, 19____

Georgiann Thacker

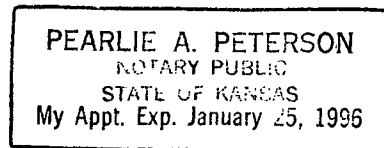
Subscribe and sworn to before me this 3rd day of April 1992

Pearlie A. Peterson
NOTARY PUBLIC

My Commission Expires _____

Printer's Fees 626.82

Additional copies \$ _____



CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER V ENTITLED "BUILDING AND CONSTRUCTION" BY ADDING ARTICLE 6 ENTITLED "CUTTING PAVEMENT AND EXCAVATION" REQUIRING PERMITS, BONDS OR DEPOSITS, AND OTHER STANDARDS AND CONDITIONS TO BE REQUIRED OF PERSONS OR ENTITIES MAKING CUTS OR EXCAVATIONS ON PUBLIC PROPERTY OR RIGHTS-OF-WAY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. The Municipal Code of the City of Westwood Hills is hereby amended by adding the following as Article 6 of Chapter V thereof:

"ARTICLE 6. CUTTING PAVEMENT AND EXCAVATION

- 6-101. EXCAVATION. REPAIR AND MAINTENANCE IN EXISTING STREETS PUBLIC RIGHTS-OF-WAY. Any work or construction hereinafter done on the public streets or rights-of-way of Westwood Hills shall meet the minimum standards set forth in this Chapter.
- 6-101 PERMIT No person or entity shall make or cause to be made any cut or excavation in, through, or under any street, sidewalk, alley, public rights-of-way, or any other public place in the City for any purpose whatsoever without a permit therefore first being obtained from the City.
- 6-103. LOCATION AND INSURANCE. No permit shall be issued unless an application be made in writing by the person desiring to make the cut or excavation accompanied by a map or diagram showing the location of the proposed cut or excavation in such manner that the house number or lot number in front of which said excavation is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut or excavation. The application shall set forth the purposes for which the cut is made and any other information demonstrating the need for such cut. The application for permit shall also be accompanied by certificates showing the applicant is insured under policies of comprehensive public liability and property damage including automobiles and trucks with limits of \$500,000.00 to any one person, \$500,000.00 for any one accident, and \$500,000.00 property damage for any one accident. Said insurance shall also name the City of Westwood Hills as a named insured on each policy.
- 6-104. COST. The sum of \$25.00 shall be charged for each permit. Except as otherwise herein provided, the further sum of \$500.00 shall be placed on deposit with the City Clerk to

guarantee the cost of refilling or repaving by the City as set forth in action 6-106. The cost of the work shall include inspection fees, if any, to be paid out of the deposits and the surplus, if any, shall be returned by the City Clerk upon approval by the governing body to the applicant not sooner than twelve months after the date of the last resurfacing act. The City Clerk shall issue the permit after the permit fee and the deposit herein set forth have been paid and the requirements in Section 6-101 have been met. No permit shall be assignable.

- A. No subsequent permits shall be issued to the same party unless the full cash deposit is maintained after any levies by the City may have been charged against him.
- B. If the proposed cut shall be greater than twenty square feet, the deposit required shall be increased on the basis of \$100.00 for each additional twenty square feet or fraction thereof of surface excavation or tunneling.
- C. Any public utility making a cut or tunnel may, in lieu of the deposit required herein above, post with the City Clerk, a performance bond, to be renewed annually, of not less than \$10,000.00 which will guarantee the cost of repairing the affected areas for a period of at least one year after completion and acceptance of the job. The term "public utility," as used in this ordinance, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of this City, or the conveyance of oil or gas through pipelines in or through any part of this City (except pipelines not operated in connection with, or for the general commercial supply of gas or oil), or for the operation of any trolley lines, street, electrical. or motor railway doing business in this City; also all dining car companies doing business within the City, and all companies for the production, transmission, delivery or furnishing of storm sewers, sanitary sewers, heat, light, water, community access television, electricity, or power.

6-105. MANNER OF EXCAVATION; NOTICE TO CITY. The person making

the cut or excavation in any street, sidewalk, alley, public rights-of-way, or other public place shall cause the same to be done with the least possible damage and shall excavate earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit uninterrupted passage of water along the gutters. The excavation or cut shall be filled at the end of each working day, except when approved by the Building Inspector or his designee. Broken pavement, earth and debris removed by excavation, shall also be cleaned up and removed at the end of each day and all debris shall be completely removed from the site of the work at the completion of such work. The excavation or trench shall have straight vertical sides and shoring, siding, and bracing shall be employed where necessary to prevent cave-ins.

Curb Cuts - If curbs are cut, they shall be removed to the next joint, or if this joint is more than three (3) feet beyond the proposed curb cut, a new joint shall be created by saw cutting the curb in a straight line.

Optional Methods:

1. Tunneling - Installation of utilities may be made in tunnels where approved by the Building Inspector or his designee.
2. Boring - Street crossings may be made by boring when approved by the Building Inspector or his designee.

The Building Inspector or his designee and the Police Department shall be notified whenever a road is to be blocked or opened to traffic.

6-106 BACK-FILLING AND RESURFACING. No back-filling or resurfacing shall begin until an inspection and/or approval of the excavation by the Building Inspector or his designee is made. The filling of all cuts and excavations made in any street, sidewalk, alley, or other public place in the City shall be made by persons making the cut or excavation by the following methods:

- A. In roadways. A layer of earthen material, compacted to 90 percent density, may be used up to the top level of the pipe. Further, 3/4 inch open grade rock, with a maximum of 5 percent fines compacted in 8 inch lifts to 95 percent with a vibratory compactor, shall then be used to fill the excavation to a point 8 inches from the finished surface.

Preparation for resurfacing the cut or excavation in any street or alley in the City shall be made by the person making the cut or excavation in the following manner:

1. The cut through the wearing surface material shall be removed six inches beyond the edges of the cut of the excavation in such manner as to leave the subgrading undisturbed;
2. All cuts shall be vertical and shall be made with an instrument which will produce straight, vertical lines.

A 6 inch portland cement concrete cap shall be poured over the back-filled excavation as shown in the accompanying detail. A 2 inch asphaltic surface shall then be applied. The resurfacing material shall be bonded to adjacent surface with tack oil, and shall match the inch per foot toward the street (see accompanying detail) and shall have a broom finish.

(Diagram)

B. Curb Replacement. Curbs shall be replaced within 14 days after removal. The new curb shall bear on a minimum of 4 inches of 3/4 inch open graded rock, compacted to 95 percent. The new curb shall match the profile of the abutting existing curb, generally conforming to the accompanying detail. Three #4 bars, doweled a minimum of 4 inches into the abutting curb shall be placed in the base.

(Diagram)

C. Drive Approaches. Existing curbs shall be removed as required in Section 6-105 and the area over-excavated to a point a minimum of 4 inches below the bottom of the proposed curb. The configuration of the new drive approach shall match other drive approaches which exist within a radius of 100 feet; or at the option of the Building Inspector or his designee shall match the configuration shown the accompanying detail. Material specs and thicknesses shall match the accompanying detail.

(Diagram)

D. Greenways. Backfill in unsurfaced parkway areas behind the curb shall be with clean black dirt,

compacted to 90 percent density to a point 2 inches below the surrounding finished grade.

The area shall then be sodded to match adjacent area. Contractor shall water new sod daily for seven (7) days after it is placed.

During each backfill and resurfacing, all materials shall be removed at the end of each working day. Within five working days after completion of pavement repairs or any portion thereof, all equipment, debris, and surplus excavation materials shall be completely removed from the site in order to minimize the damage to pavement and inconvenience to the public and adjoining owners.

In the event of subsequent deterioration of the surface due to inferior refilling or resurfacing, the Building Inspector or his designee shall request the person having made the cut to repair the defective cut. If action is not taken within 14 days time, the City shall repair the cut and levy the cost of the repairs against the person making the cut and/or the person causing the cut to be made. After application of the deposit required under section 6-104, the excess costs, if any, shall be paid by the person or persons against whom the levy has been made.

6-107. BARRICADES AND LIGHTS. All open trenches and other excavations shall be provided with suitable barriers, signs, lights, or other traffic control devices to the extent that adequate protection is provided to the public against accident by reason of such open construction. Obstructions such as material piles and equipment, shall be provided with similar warning lights and signs.

All barricades and obstructions shall be illuminated by means of amber lights at night, and all lights used for this purpose shall be kept burning from sunset to sunrise. Materials stored upon or alongside public streets and highways shall be so placed, and the work at all times shall be so conducted as to cause the minimum obstruction and inconvenience to the traveling public.

All barricades, signs, lights, and other protective devices shall be installed and maintained in conformity with applicable statutory requirements and, where within state highway rights-of-way, as required by the authority having jurisdiction thereover.

It shall be unlawful for any person without proper authority to move or remove barricades or protective devices placed in accordance with this section.

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Section 2. This ordinance shall take effect and be enforced from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, and approved by the Mayor this 3rd day of February, 1992.

Al W. Tikwart, Jr. Mayor

ATTEST:

Patti Fuhrman, City Clerk

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 157

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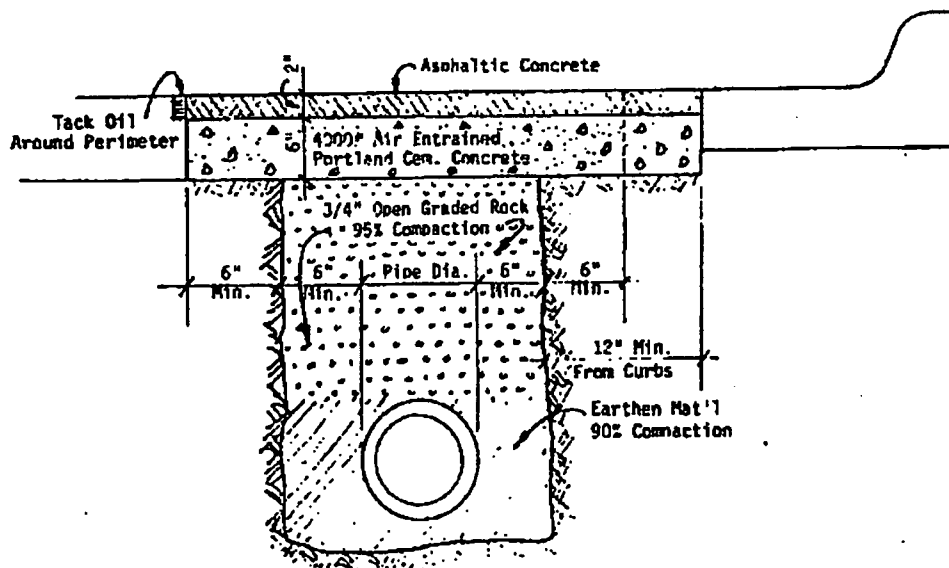
6-106 BACK-FILLING AND RESURFACING. No back-filling or resurfacing shall begin until an inspection and/or approval of the excavation by the Building Inspector or his designee is made. The filling of all cuts and excavations made in any street, sidewalk, alley, or other public place in the City shall be made by persons making the cut or excavation by the following methods:

- A. In roadways. A layer of earthen material, compacted to 90 percent density, may be used up to the top level of the pipe. Further, 3/4 inch open grade rock, with a maximum of 5 percent fines compacted in 8 inch lifts to 95 percent with a vibratory compactor, shall then be used to fill the excavation to a point 8 inches from the finished surface.

Preparation for resurfacing the cut or excavation in any street or alley in the City shall be made by the person making the cut or excavation in the following manner:

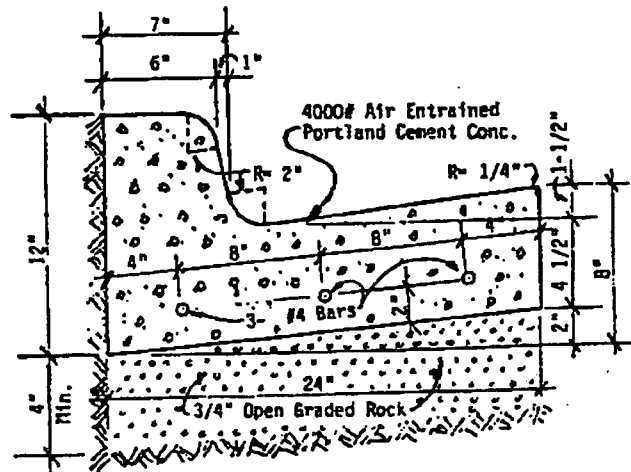
1. The cut through the wearing surface material shall be removed six inches beyond the edges of the cut of the excavation in such manner as to leave the subgrading undisturbed;
2. All cuts shall be vertical and shall be made with an instrument which will produce straight, vertical lines.

A 6 inch portland cement concrete cap shall be poured over the back-filled excavation as shown in the accompanying detail. A 2 inch asphaltic surface shall then be applied. The resurfacing material shall be bonded to adjacent surface with tack oil, and shall match the inch per foot toward the street (see accompanying detail) and shall have a broom finish.



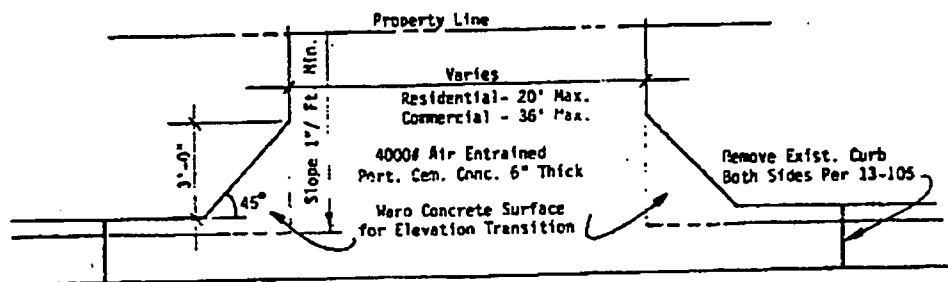
STREET CUT REPAIR
NTS

B. Curb Replacement. Curbs shall be replaced within 14 days after removal. The new curb shall bear on a minimum of 4 inches of 3/4 inch open graded rock, compacted to 95 percent. The new curb shall match the profile of the abutting existing curb, generally conforming to the accompanying detail Three #4 bars, doweled a minimum of 4 inches into the abutting curb shall be placed in the base.



REPLACEMENT CURB DETAIL
NTS

C. Drive Approaches. Existing curbs shall be removed as required in Section 6-105 and the area over-excavated to a point a minimum of 4 inches below the bottom of the proposed curb. The configuration of the new drive approach shall match other drive approaches which exist within a radius of 100 feet; or at the option of the Building Inspector or his designee shall match the configuration shown in the accompanying detail. Material specs and thicknesses shall match the accompanying detail.



Plan



Profile

DRIVEWAY DETAIL
NTS

- D. Greenways. Backfill in unsurfaced parkway areas behind the curb shall be with clean black dirt, compacted to 90 percent density to a point 2 inches below the surrounding finished grade.

The area shall then be sodded to match adjacent area. Contractor shall water new sod daily for seven (7) days after it is placed.

During each backfill and resurfacing, all materials shall be removed at the end of each working day. Within five working days after completion of pavement repairs or any portion thereof, all equipment, debris, and surplus excavation materials shall be completely removed from the site in order to minimize the damage to pavement and inconvenience to the public and adjoining owners.

In the event of subsequent deterioration of the surface due to inferior refilling or resurfacing, the Building Inspector or his designee shall request the person having made the cut to repair the defective cut. If action is not taken within 14 days time, the City shall repair the cut and levy the cost of the repairs against the person making the cut and/or the person causing the cut to be made. After application of the deposit required under section 6-104, the excess costs, if any, shall be paid by

the person or persons against whom the levy has been made.

- 6-107. BARRICADES AND LIGHTS. All open trenches and other excavations shall be provided with suitable barriers, signs, lights, or other traffic control devices to the extent that adequate protection is provided to the public against accident by reason of such open construction. Obstructions such as material piles and equipment, shall be provided with similar warning lights and signs.

All barricades and obstructions shall be illuminated by means of amber lights at night, and all lights used for this purpose shall be kept burning from sunset to sunrise. Materials stored upon or alongside public streets and highways shall be so placed, and the work at all times shall be so conducted as to cause the minimum obstruction and inconvenience to the traveling public.

All barricades, signs, lights, and other protective devices shall be installed and maintained in conformity with applicable statutory requirements and, where within state highway rights-of-way, as required by the authority having jurisdiction thereover.

It shall be unlawful for any person without proper authority to move or remove barricades or protective devices placed in accordance with this section.

- 6-108. CLEATED OR FLANGED WHEELS ON PAVEMENT PROHIBITED. It shall be unlawful for any person to drive or operate any vehicle equipped with cleated or flanged wheels upon any of the paved streets or alleys of the City in such a manner as to cause injury or damage to such paved street or alley.

- 6-109. DAMAGE OR MODIFICATION TO PAD OR CURBS. It shall be unlawful for any person to break, damage or injure any paving or curb on any street or alley of the City. It shall further be unlawful to modify or alter any paving, curb, or gutter.

- 6-110. STORAGE ON PUBLIC PROPERTY. It shall be unlawful for any person to place, leave or store, or cause to be placed, left or stored any implements, dead automobiles or vehicles, tools, boxes, merchandise, goods, trash, cans, crates, or junk upon public property except for the purpose of loading or unloading the same.


- 6-111. OBSTRUCTING STREETS. It shall be unlawful for any person to deposit or cause to be deposited any garbage, trash, or other refuse, including grass, leaves, ice, snow, dirt

or any other foreign substances, unto any streets or gutters of the City, when such deposits obstruct or, in any way, interfere with the free flow of traffic or running water upon the streets.

6-112. PENALTY. Anyone violating the provisions of this Article 6 shall be guilty of an ordinance violation and upon conviction thereof shall be punished by (a) a fine in an amount not exceeding \$500.00 or (b) confinement in the county jail for a period not exceeding 90 days, (c) or by both such fine and confinement. Each day that a violation continues shall be deemed to be a separate offense. Any penalty imposed under the provisions of this Section 6-112 shall be in addition to all other remedies and charges that may be imposed under other provisions of this Article 6.

Section 2. This ordinance shall take effect and be enforced from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, and approved by the Mayor this 3rd day of February, 1992.



Al W. Tikwart, Jr. Mayor

ATTEST:

Patti Fuhrman, City Clerk

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 151

AN ORDINANCE AMENDING CHAPTER V ENTITLED "BUILDING AND CONSTRUCTION" BY ADDING ARTICLE 6 ENTITLED "CUTTING PAVEMENT AND EXCAVATION" REQUIRING PERMITS, BONDS OR DEPOSITS, AND OTHER STANDARDS AND CONDITIONS TO BE REQUIRED OF PERSONS OR ENTITIES MAKING CUTS OR EXCAVATIONS ON PUBLIC PROPERTY OR RIGHTS-OF-WAY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. The Municipal Code of the City of Westwood Hills is hereby amended by adding the following as Article 6 of Chapter V thereof:

"ARTICLE 6. CUTTING PAVEMENT AND EXCAVATION

- 6-101. EXCAVATION. REPAIR AND MAINTENANCE IN EXISTING STREETS PUBLIC RIGHTS-OF-WAY. Any work or construction hereinafter done on the public streets or rights-of-way of Westwood Hills shall meet the minimum standards set forth in this Chapter.
- 6-101 PERMIT No person or entity shall make or cause to be made any cut or excavation in, through, or under any street, sidewalk, alley, public rights-of-way, or any other public place in the City for any purpose whatsoever without a permit therefore first being obtained from the City.
- 6-103. LOCATION AND INSURANCE. No permit shall be issued unless an application be made in writing by the person desiring to make the cut or excavation accompanied by a map or diagram showing the location of the proposed cut or excavation in such manner that the house number or lot number in front of which said excavation is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut or excavation. The application shall set forth the purposes for which the cut is made and any other information demonstrating the need for such cut. The application for permit shall also be accompanied by certificates showing the applicant is insured under policies of comprehensive public liability and property damage including automobiles and trucks with limits of \$500,000.00 to any one person, \$500,000.00 for any one accident, and \$500,000.00 property damage for any one accident. Said insurance shall also name the City of Westwood Hills as a named insured on each policy.
- 6-104. COST. The sum of \$25.00 shall be charged for each permit. Except as otherwise herein provided, the further sum of \$500.00 shall be placed on deposit with the City Clerk to

guarantee the cost of refilling or repaving by the City as set forth in action 6-106. The cost of the work shall include inspection fees, if any, to be paid out of the deposits and the surplus, if any, shall be returned by the City Clerk upon approval by the governing body to the applicant not sooner than twelve months after the date of the last resurfacing act. The City Clerk shall issue the permit after the permit fee and the deposit herein set forth have been paid and the requirements in Section 6-101 have been met. No permit shall be assignable.

- A. No subsequent permits shall be issued to the same party unless the full cash deposit is maintained after any levies by the City may have been charged against him.
- B. If the proposed cut shall be greater than twenty square feet, the deposit required shall be increased on the basis of \$100.00 for each additional twenty square feet or fraction thereof of surface excavation or tunneling.
- C. Any public utility making a cut or tunnel may, in lieu of the deposit required herein above, post with the City Clerk, a performance bond, to be renewed annually, of not less than \$10,000.00 which will guarantee the cost of repairing the affected areas for a period of at least one year after completion and acceptance of the job. The term "public utility," as used in this ordinance, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of this City, or the conveyance of oil or gas through pipelines in or through any part of this City (except pipelines not operated in connection with, or for the general commercial supply of gas or oil), or for the operation of any trolley lines, street, electrical or motor railway doing business in this City; also all dining car companies doing business within the City, and all companies for the production, transmission, delivery or furnishing of storm sewers, sanitary sewers, heat, light, water, community access television, electricity, or power.

6-105. MANNER OF EXCAVATION; NOTICE TO CITY. The person making

the cut or excavation in any street, sidewalk, alley, public rights-of-way, or other public place shall cause the same to be done with the least possible damage and shall excavate earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit uninterrupted passage of water along the gutters. The excavation or cut shall be filled at the end of each working day, except when approved by the Building Inspector or his designee. Broken pavement, earth and debris removed by excavation, shall also be cleaned up and removed at the end of each day and all debris shall be completely removed from the site of the work at the completion of such work. The excavation or trench shall have straight vertical sides and shoring, siding, and bracing shall be employed where necessary to prevent cave-ins.

Curb Cuts - If curbs are cut, they shall be removed to the next joint, or if this joint is more than three (3) feet beyond the proposed curb cut, a new joint shall be created by saw cutting the curb in a straight line.

Optional Methods:

1. **Tunneling** - Installation of utilities may be made in tunnels where approved by the Building Inspector or his designee.
2. **Boring** - Street crossings may be made by boring when approved by the Building Inspector or his designee.

The Building Inspector or his designee and the Police Department shall be notified whenever a road is to be blocked or opened to traffic.

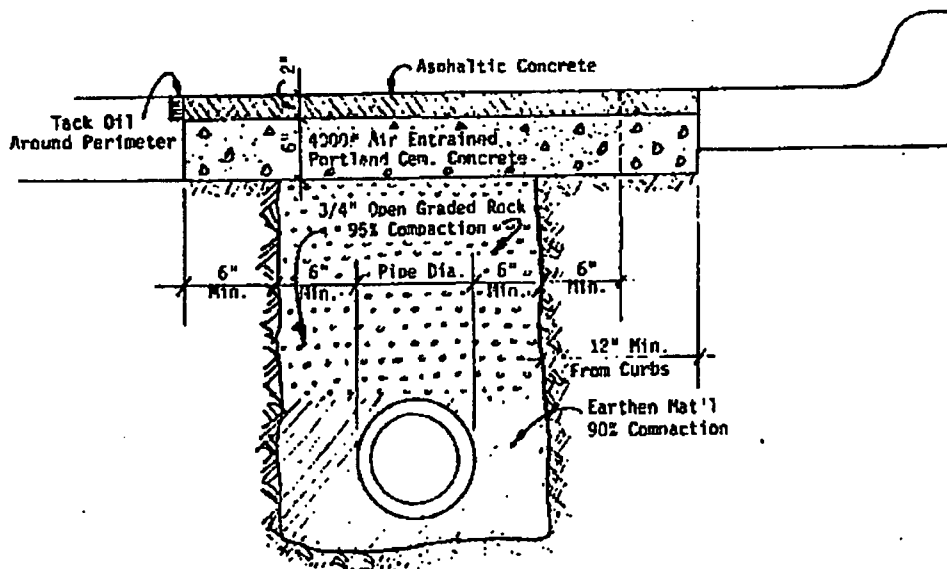
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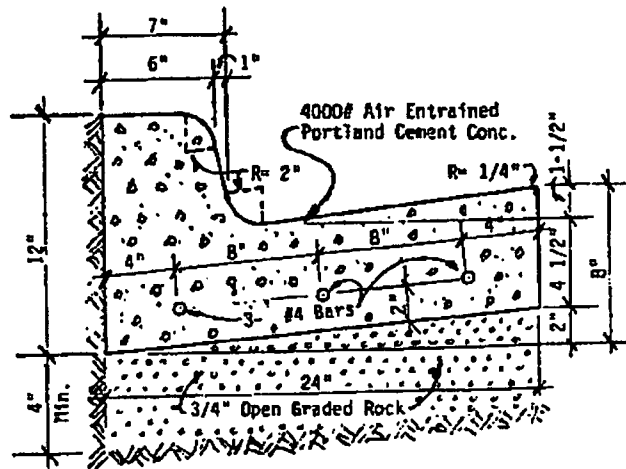
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A 6 inch portland cement concrete cap shall be poured over the back-filled excavation as shown in the accompanying detail. A 2 inch asphaltic surface shall then be applied. The resurfacing material shall be bonded to adjacent surface with tack oil, and shall match the inch per foot toward the street (see accompanying detail) and shall have a broom finish.



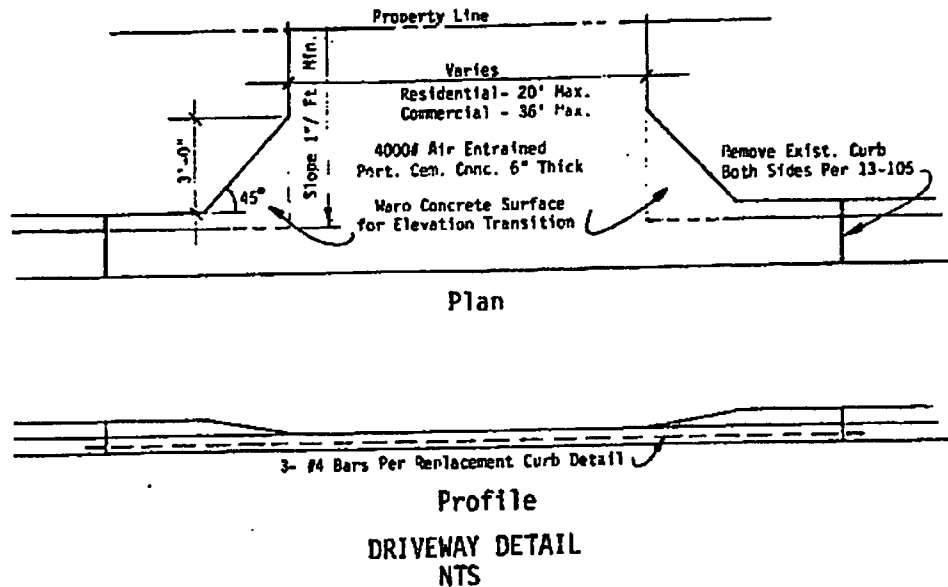
STREET CUT REPAIR
NTS

B. Curb Replacement. Curbs shall be replaced within 14 days after removal. The new curb shall bear on a minimum of 4 inches of 3/4 inch open graded rock, compacted to 95 percent. The new curb shall match the profile of the abutting existing curb, generally conforming to the accompanying detail Three #4 bars, doweled a minimum of 4 inches into the abutting curb shall be placed in the base.



REPLACEMENT CURB DETAIL
NTS

C. Drive Approaches. Existing curbs shall be removed as required in Section 6-105 and the area over-excavated to a point a minimum of 4 inches below the bottom of the proposed curb. The configuration of the new drive approach shall match other drive approaches which exist within a radius of 100 feet; or at the option of the Building Inspector or his designee shall match the configuration shown the accompanying detail. Material specs and thicknesses shall match the accompanying detail.



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Section 2. This ordinance shall take effect and be enforced from and after its passage and publication in the official City newspaper.

PASSED by the Governing Body of the City of Westwood Hills, Kansas, and approved by the Mayor this 3rd day of February, 1992.



Al W. Tikwart, Jr. Mayor

ATTEST:

Patti Fuhrman, City Clerk