

ORDINANCE NO. 82

AN ORDINANCE PROVIDING FOR ELECTRIC TRAFFIC CONTROL SYSTEMS IN THE CITY OF WESTWOOD HILLS, KANSAS, BY CONTRACT WITH KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS, ASSIGNS, AND GRANTEES TO FURNISH SAID ELECTRIC TRAFFIC CONTROL SYSTEMS FOR THE CITY OF WESTWOOD HILLS, KANSAS, FOR A TERM OF TEN (10) YEARS.

WHEREAS, Kansas City Power & Light Company (the "Company"), is a corporation duly created, organized, and existing by virtue of the laws of the State of Missouri and qualified to do business in the State of Kansas as a foreign corporation for the purpose of generating, transmitting, and distributing electric energy; and

WHEREAS, it is to the best interest of the parties that electric traffic control systems be installed and operated by the Company pursuant to the terms hereof.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Westwood Hills, Kansas (the City), that the City does contract with the Company as follows:

#### ARTICLE I

##### Cancellation of All Prior Traffic Control Ordinances

All ordinances, parts of ordinances and resolutions in conflict herewith are hereby repealed as of the effective date of this Ordinance.

#### ARTICLE II

##### Term of Ordinance

This Ordinance shall take effect and be in force from and after its passage and its publication as provided by law and, upon acceptance in writing by the Company as set forth in Article XII, shall constitute a contract to remain in full force and effect for a term of ten (10) years from the effective date of this Ordinance.

#### ARTICLE III

##### Purchase of Energy

The City shall purchase and receive from the Company and the Company shall sell and deliver to the City all of the electric energy required for the operation of the Traffic Control System (the charge therefor being included in the rates and charges set forth in Article VII, and the Company will provide this service in a manner consistent with applicable existing law concerning public utility service.

## ARTICLE IV

### Force Majeure

The Company shall have no obligation to furnish service hereunder during the time service is interrupted by an Act of God or any other cause not within the control of the Company, including but not limited to, failure of facilities, load shedding for the protection or restoration of system operations, flood, drought, earthquake, storm, lightning, fire, explosion, epidemic, war, riot, civil disturbance, invasion, insurrection, labor disturbance, strike, sabotage, collision, or restraint or order by any court or public or military authority having jurisdiction. Any strike or labor disturbance may be settled at the discretion of the Company.

## ARTICLE V

### Operation and Maintenance of the Traffic Control System

Section 1. The Traffic Control System shall be defined as and shall consist of traffic control signals, poles, lamps, control cables, conductors and all other facilities necessary for the operation of such signals in all existing and future portions of the City now or hereafter located within the present and any future limits of the Company's certificated service territory. All such facilities shall be owned by the Company, and shall be procured, installed, maintained and operated by the Company.

Section 2. The traffic control signals are of a type meeting the recommended specifications of the Institute of Traffic Engineers, in effect at the time of installation, using a green light to signify a moving traffic period, an amber light to signify a caution period, and a red light to signify a stop period, or using other lens combinations acceptable to the Company and the City. The signals are normally equipped with 69-watt lamps of the type recommended by said Institute for traffic signal service for a signal unit with an 8-inch lens. Such signal units are mounted in a vertical position at a height of approximately 10'6" from the center of the lower light to the street pavement at the curb line, with the green light in the lower position, the amber light in the central position and the red light in the upper position. Such signal units so mounted are hereinafter referred to as "standard signal units." There are normally four such standard signal units at each controlled intersection, each with three lamps and three 8-inch lenses, traffic approaching the intersection from any direction being normally controlled by the standard signal unit at the far righthand corner of the intersection. The length of the control cables connecting the standard signal units shall not exceed 250 feet per intersection, and such control cables

may be installed overhead or underground, at the election of the City.

Section 3. All signal units shall be operated by the Company twenty-four hours per day. In the event of an interruption in such continuous operation of a signal unit, the Company will, after notice of such interruption is received through its Customer Service Center, restore such signal unit to operation as soon as reasonably practicable. During the period of such an interruption, the City shall use its best efforts to obtain appropriate police control of traffic affected thereby.

Section 4. The City has the sole responsibility and authority to establish the timing of traffic signals. The Company shall regulate its equipment so as to establish the timing of traffic signals as nearly as practicable in accordance with schedules and instructions therefor submitted to the Company by a legally authorized officer of the City.

#### ARTICLE VI

##### Additions, Changes and Removals

Section 1. Traffic control systems or equipment, in addition to the systems or equipment in operation on the effective date of this Ordinance, may be ordered on behalf of the City from time to time by written order of a legally authorized officer of the City and the Company shall institute action to provide for the installation of such systems or equipment at designated locations upon receipt of such a written order therefor; provided, however, that the Company shall not be required to make such installation unless it shall, within thirty (30) days from and after the receipt of said written order, file with the City Clerk of said City its written acceptance thereof. Upon said acceptance being filed, such additional traffic control systems or equipment shall be subject to the terms and conditions of this Ordinance. In the event of the failure of said Company to file such acceptance within the time specified in this section, such order shall ipso facto cease and become null and void. The City agrees to accept and pay for such additional traffic control systems or equipment so ordered by it at the same rates as are set out in Article VII hereof.

Section 2. The City, by written order of a legally authorized officer of the City, may require the Company to change any Individual Control intersection to a coordinated intersection, in which case the rate specified in Section 1, paragraph (5) or paragraph (6) (b), of Article VII shall apply from and after the date of completion of the change.

Section 3. The City, by written order of a legally authorized officer of the City, may require the Company to discontinue or change the type, location or direction of any facilities of the Traffic Control System. Such discontinuances or changes shall be completed by the Company as soon as reasonably practicable after receipt of such an order. The City shall pay to the Company the cost to the Company of labor, transportation, and material, including among other things, applicable overhead, insurance, taxes and remaining value of such facilities, but without profit, for each such discontinuance or change.

## ARTICLE VII

### Rates and Charges

Section 1. Basic Installations. A brief description of and the monthly rates applicable to each Basic Installation of the Traffic Control System are set forth below.

- (1) Individual Control. This basic installation consists of four mounted 3-light signal units all with 8-inch lenses, and is operated by its own controller (having no more than fourteen signal circuits), which is activated by a synchronous motor. The monthly rate for this basic installation is \$41.00.
- (2) Pedestrian Push Button Control. This basic installation consists of two 3-light signal units for vehicular control, two 2-light "Walk-Wait" signal units for pedestrian control all with 8-inch lenses, a pair of push buttons for pedestrian actuation, a controller, and a flashing device. The monthly rate for this basic installation is \$34.10.

Section 2. Supplemental Equipment. A brief description of and the monthly rates applicable to each type of Supplemental Equipment of the Traffic Control System are set forth below:

- (1) Multi-Dial Controller. This supplemental equipment consists of a 2-dial or 3-dial controller with automatic switching equipment used on any basic installation. The monthly rate for this supplemental equipment is \$5.75.
- (2) 3-Light Signal Unit. This supplemental equipment consists of one 3-light signal unit with 8-inch lenses installed at any controlled intersection where the 3-light signal unit can be connected to the existing control cable and controller at such intersection. The monthly rate for this supplemental equipment is \$5.45.
- (3) 2-Light Signal Unit. This supplemental equipment consists of one 2-light signal unit with 8-inch lenses installed at any controlled intersection where the 2-light signal unit can be connected to the existing control cable and controller at such intersection. The 2-light signal unit may have one lens worded "Walk" and the other lens worded "Wait", if specified by the City. The Monthly rate for this supplemental equipment is \$5.10.

- (4) 1-Light Signal Unit. This supplemental equipment consists of one 1-light signal unit with an 8-inch lens installed as an addition to an existing signal unit at any controlled intersection where the 1-light signal unit can be connected to the existing control cable and controlled at such intersection. The monthly rate for this supplemental equipment is \$1.20.
- (5) Push Buttons. This supplemental equipment can be installed at any controlled intersection where the equipment can be connected to the existing control cable and controller at such intersection, and operated by the existing controller at such intersection by the addition of necessary cams and relays.
- (a) Pair of Push Buttons. This supplemental equipment consists of a pair of push buttons for pedestrian actuation which may be installed as pedestrian actuation devices at a basic Individual Control installation where Treadle Detectors are used or as additional stations at a basic Pedestrian Push Button Control installation. The monthly rate for this supplemental equipment is \$0.80.
- (b) Pair of Illuminated Push Buttons. This supplemental equipment consists of a pair of push buttons as described in paragraph (6) (a) above, equipped so that the words "Wait Please" are illuminated when the push buttons are activated. The monthly rate for this supplemental equipment is \$1.40.
- (6) 12-Inch Round Lens. This supplemental equipment consists of one 1-light signal unit with a 12-inch diameter round lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.40.
- (7) 9-Inch Square Lens. This supplemental equipment consists of one 1-light signal unit with a 9-inch square lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.55.
- (8) Vehicle - Actuation Units.
- (a) Treadle Detector. This supplemental equipment consists of one pressure sensitive treadle detector installed in the pavement so that the pressure of passing vehicles operates the controller at the intersection. A treadle detector may be 6 feet or 8 feet in length and of the directional or non-directional type. The monthly rate for this supplemental equipment is \$8.40.
- (b) Loop Detector.
- (i) Single. This supplemental equipment consists of one loop detector and one loop installed in the pavement so that vehicles passing over the loop operate the controller at the intersection. The monthly rate for this supplemental equipment is \$7.20.
- (ii) Double. This supplemental equipment consists of one loop detector and two loops installed in the pavement so that vehicles passing over the loops operate the controller at the intersection. The monthly rate for this supplemental equipment is \$11.80.

- (9) Flasher Equipment. This supplemental equipment consists of the necessary clock-controlled flasher equipment so that all signals at a controlled intersection may flash yellow to traffic on the main street and flash red to traffic on the cross street during certain preset periods of time. The monthly rate for this supplemental equipment is \$2.05.
- (10) Mast Arm. This supplemental equipment consists of a steel mast arm not to exceed 30 feet in length supported on a steel pole which may or may not also support a street lighting unit. The pole and mast arm shall be of a "classic" style with standard mast arm lengths of 15, 20, 25 or 30 feet, providing a minimum clearance for the traffic signal unit of 15 feet above the street.
- (a) Single. The monthly rate for this supplemental equipment, including pole, one mast arm, wiring cable and traffic signal unit attachments, but excluding traffic signal unit, is \$11.55.
- (b) Double. The monthly rate for this supplemental equipment, including pole, two mast arms, wiring cable and traffic signal unit attachments, but excluding traffic signal units, is \$15.80.
- (11) Back Plate. This supplemental equipment consists of one back plate mounted behind a single head to extend 8 inches beyond the signal in all directions. The monthly rate for this supplemental equipment is \$0.35.

Section 3. The monthly rates for each type of Supplemental Equipment at an intersection are in addition to the monthly rate for the Basic Installation at that intersection.

Section 4. "Exhibit A", attached hereto and made a part hereof, is a list of traffic control locations existing or authorized as of the effective date of this Ordinance, showing the rates and charges applicable under this Ordinance to each type of Basic Installation and Supplemental Equipment at each such location.

Section 5. The rates and charges specified in this Article shall be subject to review at the written request of either party five years after the effective date of this Ordinance and on each anniversary date thereafter during the term of this Ordinance. If either party desires a review of rates and charges at any such time, it shall so notify the other party in writing not later than sixty (60) days prior to the review date; thereafter representatives of the parties will meet and in good faith attempt to reach an agreement with respect to the rates and charges sought to be reviewed. If no agreement is reached within such sixty (60) day period, either party may at any time thereafter elect, in writing delivered to the other party, to submit for arbitration the matter of rates and charges hereunder sought to be reviewed to the State Corporation Commission of the State of Kansas, and both parties agree to be bound by the findings of said Commission with respect to the matter thus submitted. Any revised rates and charges determined by agreement or by said Commission shall be effective as of the review date.

## ARTICLE VIII

### Tax Adjustment

In addition to all other charges set forth in this Ordinance, the City shall pay the Company a sum equal to the aggregate amount of all license, franchise, gross receipts, occupation or similar charge, fee or tax imposed by any governmental authority (i) upon the Company and measured by the amounts of electric energy and service delivered hereunder or by the revenues to it therefrom, or (ii) upon the electric energy and service delivered by the Company hereunder or upon the sale by it thereof if it is required to pay such imposed charge, fee or tax.

## ARTICLE IX

### Wage Rate Adjustment

The rates and charges set forth herein are based on the weighted average hourly straight time rate for bargaining unit employees of the Company of \$4.1153 per hour. In the event such average hourly rate of pay is increased or decreased 5% or more, the charges for traffic signals shall be increased or decreased by 0.165% for each full 1% that such average hourly rate of pay is above or below \$4.1153.

## ARTICLE X

### New Styles and Designs

If the City shall request the installation of any style or design of traffic signal not referred to in this Ordinance, the rates and charges therefor shall be agreed upon in writing by the parties and shall be set forth in an ordinance amending this Ordinance.

## ARTICLE XI

### Billing

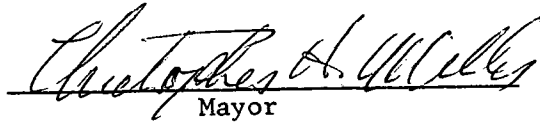
The City shall pay all bills rendered by the Company for services furnished under this Ordinance within fifteen (15) days after receipt thereof. If any such bill is not paid within such period, a default shall have occurred and the City shall become liable to pay the Company interest on such bill at the rate of ten percent (10%) per annum until such bill is paid. If any bill shall remain in default for ninety (90) days, the Company may, at its option, discontinue the furnishing of services provided for in this Ordinance, until such time as the delinquent payments, together with all interest thereon, shall have been paid, and the City shall also be liable to the Company for the value of its investment in the Traffic Control System.

ARTICLE XII

Publication and Acceptance

Within thirty (30) days from and after the publication of this Ordinance in the official paper of the City, the Company, its successors, assigns, or grantees, shall file with the City Clerk its written acceptance of the provisions hereof and upon said acceptance being filed as herein provided, this Ordinance shall constitute a contract between the City and the Company for the period set forth herein; in the event of the failure of the Company to file acceptance within the time specified in this section, this Ordinance shall ipso facto cease and become null and void.

PASSED AND APPROVED THIS 3RD DAY OF APRIL, 1972.

  
Mayor

ATTEST:

  
City Clerk



"EXHIBIT A"

Westwood Hills, Kansas Traffic Control Ordinance

Traffic Control Locations  
Existing or Authorized  
as of the Effective Date of  
Ordinance No. \_\_\_\_\_

BASIC INSTALLATIONS:

(1) Individual Control	<u>\$41.00</u>
None	
(2) Pedestrian Push Button Control	<u>\$34.10</u>
50th Street and Rainbow Boulevard	<u>0.5</u>
Total Units	0.5

SUPPLEMENTAL EQUIPMENT:

(1) Multi-Dial Controller	<u>\$ 5.75</u>
None	
(2) 3-Light Signal Unit	<u>\$ 5.45</u>
50th Street and Rainbow Boulevard	<u>1.5</u>
Total Units	1.5
(3) 2-Light Signal Unit	<u>\$ 5.10</u>
None	
(4) 1-Light Signal Unit	<u>\$ 1.20</u>
None	
(5) Push Buttons	
(a) Pair of Push Buttons	<u>\$ 0.80</u>
None	
(b) Pair of Illuminated Push Buttons	<u>\$ 1.40</u>
None	
(6) 12-Inch Round Lens	<u>\$ 1.40</u>
50th Street and Rainbow Boulevard	<u>3.5</u>
Total Units	3.5
(7) 9-Inch Square Lens	<u>\$ 1.55</u>
None	
(8) Vehicle-Actuation Units	
(a) Treadle Detector	<u>\$ 8.40</u>
50th Street and Rainbow Boulevard	<u>1</u>
Total Units	1
(b) Loop Detector	
(i) Single	<u>\$ 7.20</u>
None	
(ii) Double	<u>\$11.80</u>
None	
(9) Flasher Equipment	<u>\$ 2.05</u>
None	
(10) Mast Arm	
(a) Single	<u>\$11.55</u>
None	
(b) Double	<u>\$15.80</u>
None	

SUPPLEMENTAL EQUIPMENT: (continued)

(11) Back Plate  
None

\$ 0.35

Mrs. Ora M. Amberg, City Clerk  
City of Westwood Hills, Kansas  
2105 West 30th  
Shawnee Mission, Kansas 66205

Under the provisions of Ordinance No. 82 of the City of Westwood Hills, Kansas, passed and approved on April 3, 1972, which provided for electric traffic control systems in the City of Westwood Hills, Kansas, by contract with Kansas City Power & Light Company, its successors, assigns, and grantees to furnish said electric traffic control systems for the City of Westwood Hills, Kansas, for a period of ten years, it was provided that within 30 days from and after the publication of such ordinance in the official paper of the City of Westwood Hills, Kansas, Kansas City Power & Light Company should file with the City Clerk of said City its written acceptance of the provisions of such ordinance.

You are hereby notified that Kansas City Power & Light Company does now accept and agree to comply with the provisions of said ordinance.

Dated: May 2, 1972.

KANSAS CITY POWER & LIGHT COMPANY

By

J. L. [Signature]  
Vice President

ATTEST:

[Signature]  
Secretary

I, Ora M. Amberg, City Clerk of the City of Westwood Hills, Kansas, do hereby certify that the above and foregoing is a true and correct copy of the acceptance by Kansas City Power & Light Company of the above mentioned Ordinance No. 82, said acceptance having been filed with the City of Westwood Hills, Kansas, on May 2, 1972.

Given under my hand and the seal of the City of Westwood Hills, Kansas, May 5, 1972.

[Signature]  
City Clerk

AN ORDINANCE PROVIDING FOR ELECTRIC TRAFFIC CONTROL SYSTEMS IN THE CITY OF WESTWOOD HILLS, KANSAS, BY CONTRACT WITH KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS, ASSIGNS, AND GRANTEES TO FURNISH SAID ELECTRIC TRAFFIC CONTROL SYSTEMS FOR THE CITY OF WESTWOOD HILLS, KANSAS, FOR A TERM OF TEN (10) YEARS.

WHEREAS, Kansas City Power & Light Company (the "Company"), is a corporation duly created, organized, and existing by virtue of the laws of the State of Missouri and qualified to do business in the State of Kansas as a foreign corporation for the purpose of generating, transmitting, and distributing electric energy; and

WHEREAS, it is to the best interest of the parties that electric traffic control systems be installed and operated by the Company pursuant to the terms hereof.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Westwood Hills, Kansas (the City), that the City does contract with the Company as follows:

#### ARTICLE I

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## ARTICLE V

### Operation and Maintenance

#### of the Traffic Control System

Section 1. The Traffic Control System shall be defined as and shall consist of traffic control signals, poles, lamps, control cables, conductors and all other facilities necessary for the operation of such signals in all existing and future portions of the City now or hereafter located within the present and any future limits of the Company's certificated service territory. All such facilities shall be owned by the Company, and shall be procured, installed, maintained and operated by the Company.

Section 2. The traffic control signals are of a type meeting the recommended specifications of the Institute of Traffic Engineers, in effect at the time of installation, using a green light to signify a moving traffic period, an amber light to signify a caution period, and a red light to signify a stop period, or using other lens combinations acceptable to the Company and the City. The signals are normally equipped with 69-watt lamps of the type recommended by said Institute for traffic signal service for a signal unit with an 8-inch lens. Such signal units are mounted in a vertical position at a height of approximately 10'6" from the center of the lower light to the street pavement at the curb line, with the green light in the lower position, the amber light in the central position and the red light in the upper position. Such signal units so mounted are hereinafter referred to as "standard signal units." There are normally four such standard signal units at each controlled intersection, each with three lamps and three 8-inch lenses, traffic approaching the intersection from any direction being normally controlled by the standard signal unit at the far righthand corner of the intersection. The length of the control cables connecting the standard signal units shall not exceed 250 feet per intersection, and such control cables

may be installed overhead or underground, at the election of the City.

Section 3. All signal units shall be operated by the Company twenty-four hours per day. In the event of an interruption in such continuous operation of a signal unit, the Company will, after notice of such interruption is received through its Customer Service Center, restore such signal unit to operation as soon as reasonably practicable. During the period of such an interruption, the City shall use its best efforts to obtain appropriate police control of traffic affected thereby.

Section 4. The City has the sole responsibility and authority to establish the timing of traffic signals. The Company shall regulate its equipment so as to establish the timing of traffic signals as nearly as practicable in accordance with schedules and instructions therefor submitted to the Company by a legally authorized officer of the City.

#### ARTICLE VI

##### Additions, Changes and Removals

Section 1. Traffic control systems or equipment, in addition to the systems or equipment in operation on the effective date of this Ordinance, may be ordered on behalf of the City from time to time by written order of a legally authorized officer of the City and the Company shall institute action to provide for the installation of such systems or equipment at designated locations upon receipt of such a written order therefor; provided, however, that the Company shall not be required to make such installation unless it shall, within thirty (30) days from and after the receipt of said written order, file with the City Clerk of said City its written acceptance thereof. Upon said acceptance being filed, such additional traffic control systems or equipment shall be subject to the terms and conditions of this Ordinance. In the event of the failure of said Company to file such acceptance within the time specified in this section, such order shall ipso facto cease and become null and void. The City agrees to accept and pay for such additional traffic control systems or equipment so ordered by it at the same rates as are set out in Article VII hereof.

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## ARTICLE VII

### Rates and Charges

Section 1. Basic Installations. A brief description of and the monthly rates applicable to each Basic Installation of the Traffic Control System are set forth below.

- (1) Individual Control. This basic installation consists of four mounted 3-light signal units all with 8-inch lenses, and is operated by its own controller (having no more than fourteen signal circuits), which is activated by a synchronous motor. The monthly rate for this basic installation is \$41.00.
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- (3) 2-Light Signal Unit. This supplemental equipment consists of one 2-light signal unit with 8-inch lenses installed at any controlled intersection where the 2-light signal unit can be connected to the existing control cable and controller at such intersection. The 2-light signal unit may have one lens worded "Walk" and the other lens worded "Wait", if specified by the City. The Monthly rate for this supplemental equipment is \$5.10.



- (4) 1-Light Signal Unit. This supplemental equipment consists of one 1-light signal unit with an 8-inch lens installed as an addition to an existing signal unit at any controlled intersection where the 1-light signal unit can be connected to the existing control cable and controlled at such intersection. The monthly rate for this supplemental equipment is \$1.20.
- (5) Push Buttons. This supplemental equipment can be installed at any controlled intersection where the equipment can be connected to the existing control cable and controller at such intersection, and operated by the existing controller at such intersection by the addition of necessary cams and relays.
- (a) Pair of Push Buttons. This supplemental equipment consists of a pair of push buttons for pedestrian actuation which may be installed as pedestrian actuation devices at a basic Individual Control installation where Treadle Detectors are used or as additional stations at a basic Pedestrian Push Button Control installation. The monthly rate for this supplemental equipment is \$0.80.
- (b) Pair of Illuminated Push Buttons. This supplemental equipment consists of a pair of push buttons as described in paragraph (6) (a) above, equipped so that the words "Wait Please" are illuminated when the push buttons are activated. The monthly rate for this supplemental equipment is \$1.40.
- (6) 12-Inch Round Lens. This supplemental equipment consists of one 1-light signal unit with a 12-inch diameter round lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.40.
- (7) 9-Inch Square Lens. This supplemental equipment consists of one 1-light signal unit with a 9-inch square lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.55.
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- (b) Loop Detector.
- (i) Single. This supplemental equipment consists of one loop detector and one loop installed in the pavement so that vehicles passing over the loop operate the controller at the intersection. The monthly rate for this supplemental equipment is \$7.20.
- (ii) Double. This supplemental equipment consists of one loop detector and two loops installed in the pavement so that vehicles passing over the loops operate the controller at the intersection. The monthly rate for this supplemental equipment is \$11.80.

- (9) Flasher Equipment. This supplemental equipment consists of the necessary clock-controlled flasher equipment so that all signals at a controlled intersection may flash yellow to traffic on the main street and flash red to traffic on the cross street during certain preset periods of time. The monthly rate for this supplemental equipment is \$2.05.
- (10) Mast Arm. This supplemental equipment consists of a steel mast arm not to exceed 30 feet in length supported on a steel pole which may or may not also support a street lighting unit. The pole and mast arm shall be of a "classic" style with standard mast arm lengths of 15, 20, 25 or 30 feet, providing a minimum clearance for the traffic signal unit of 15 feet above the street.
- (a) Single. The monthly rate for this supplemental equipment, including pole, one mast arm, wiring cable and traffic signal unit attachments, but excluding traffic signal unit, is \$11.55.
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- (11) Back Plate. This supplemental equipment consists of one back plate mounted behind a single head to extend 8 inches beyond the signal in all directions. The monthly rate for this supplemental equipment is \$0.35.

Section 3. The monthly rates for each type of Supplemental Equipment at an intersection are in addition to the monthly rate for the Basic Installation at that intersection.

Section 4. "Exhibit A", attached hereto and made a part hereof, is a list of traffic control locations existing or authorized as of the effective date of this Ordinance, showing the rates and charges applicable under this Ordinance to each type of Basic Installation and Supplemental Equipment at each such location.

Section 5. The rates and charges specified in this Article shall be subject to review at the written request of either party five years after the effective date of this Ordinance and on each anniversary date thereafter during the term of this Ordinance. If either party desires a review of rates and charges at any such time, it shall so notify the other party in writing not later than sixty (60) days prior to the review date; thereafter representatives of the parties will meet and in good faith attempt to reach an agreement with respect to the rates and charges sought to be reviewed. If no agreement is reached within such sixty (60) day period, either party may at any time thereafter elect, in writing delivered to the other party, to submit for arbitration the matter of rates and charges hereunder sought to be reviewed to the State Corporation Commission of the State of Kansas, and both parties agree to be bound by the findings of said Commission with respect to the matter thus submitted. Any revised rates and charges determined by agreement or by said Commission shall be effective as of the review date.

## ARTICLE VIII

### Tax Adjustment

In addition to all other charges set forth in this Ordinance, the City shall pay the Company a sum equal to the aggregate amount of all license, franchise, gross receipts, occupation or similar charge, fee or tax imposed by any governmental authority (i) upon the Company and measured by the amounts of electric energy and service delivered hereunder or by the revenues to it therefrom, or (ii) upon the electric energy and service delivered by the Company hereunder or upon the sale by it thereof if it is required to pay such imposed charge, fee or tax.

## ARTICLE IX

### Wage Rate Adjustment

The rates and charges set forth herein are based on the weighted average hourly straight time rate for bargaining unit employees of the Company of \$4.1153 per hour. In the event such average hourly rate of pay is increased or decreased 5% or more, the charges for traffic signals shall be increased or decreased by 0.165% for each full 1% that such average hourly rate of pay is above or below \$4.1153.

## ARTICLE X

### New Styles and Designs

If the City shall request the installation of any style or design of traffic signal not referred to in this Ordinance, the rates and charges therefor shall be agreed upon in writing by the parties and shall be set forth in an ordinance amending this Ordinance.

## ARTICLE XI

### Billing

The City shall pay all bills rendered by the Company for services furnished under this Ordinance within fifteen (15) days after receipt thereof. If any such bill is not paid within such period, a default shall have occurred and the City shall become liable to pay the Company interest on such bill at the rate of ten percent (10%) per annum until such bill is paid. If any bill shall remain in default for ninety (90) days, the Company may, at its option, discontinue the furnishing of services provided for in this Ordinance, until such time as the delinquent payments, together with all interest thereon, shall have been paid, and the City shall also be liable to the Company for the value of its investment in the Traffic Control System.

ARTICLE XII

Publication and Acceptance

Within thirty (30) days from and after the publication of this Ordinance in the official paper of the City, the Company, its successors, assigns, or grantees, shall file with the City Clerk its written acceptance of the provisions hereof and upon said acceptance being filed as herein provided, this Ordinance shall constitute a contract between the City and the Company for the period set forth herein; in the event of the failure of the Company to file acceptance within the time specified in this section, this Ordinance shall ipso facto cease and become null and void.

PASSED AND APPROVED THIS 3RD DAY OF APRIL, 1972.

Christopher H. Miller  
Mayor

ATTEST:

Gene B. Krumpholtz  
City Clerk

"EXHIBIT A"

Westwood Hills, Kansas Traffic Control Ordinance

Traffic Control Locations  
Existing or Authorized  
as of the Effective Date of  
Ordinance No. \_\_\_\_\_

BASIC INSTALLATIONS:

(1) Individual Control	<u>\$41.00</u>
None	
(2) Pedestrian Push Button Control	<u>\$34.10</u>
50th Street and Rainbow Boulevard	<u>0.5</u>
Total Units	0.5

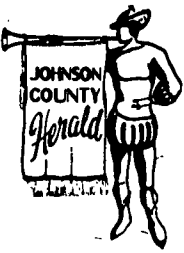
SUPPLEMENTAL EQUIPMENT:

(1) Multi-Dial Controller	<u>\$ 5.75</u>
None	
(2) 3-Light Signal Unit	<u>\$ 5.45</u>
50th Street and Rainbow Boulevard	<u>1.5</u>
Total Units	1.5
(3) 2-Light Signal Unit	<u>\$ 5.10</u>
None	
(4) 1-Light Signal Unit	<u>\$ 1.20</u>
None	
(5) Push Buttons	
(a) Pair of Push Buttons	<u>\$ 0.80</u>
None	
(b) Pair of Illuminated Push Buttons	<u>\$ 1.40</u>
None	
(6) 12-Inch Round Lens	<u>\$ 1.40</u>
50th Street and Rainbow Boulevard	<u>3.5</u>
Total Units	3.5
(7) 9-Inch Square Lens	<u>\$ 1.55</u>
None	
(8) Vehicle-Actuation Units	
(a) Treadle Detector	<u>\$ 8.40</u>
50th Street and Rainbow Boulevard	<u>1</u>
Total Units	1
(b) Loop Detector	
(i) Single	<u>\$ 7.20</u>
None	
(ii) Double	<u>\$11.80</u>
None	
(9) Flasher Equipment	<u>\$ 2.05</u>
None	
(10) Mast Arm	
(a) Single	<u>\$11.55</u>
None	
(b) Double	<u>\$15.80</u>
None	

SUPPLEMENTAL EQUIPMENT: (continued)

(11) Back Plate  
None

\$ 0.35



## WESTWOOD HILLS

(First Published in Johnson County Herald  
Wednesday, November 17, 1971)  
ORDINANCE NO. 82

An ordinance relating to construction, maintenance, regulation and control of sidewalks within the City of Westwood Hills, Kansas, establishing a sidewalk review committee, and providing penalties for violations thereof. Be ordained by the governing body of the City of Westwood Hills, Kansas:

SECTION 1: SIDEWALK AND DRIVEWAY REQUIREMENTS  
A Any person, firm or corporation hereinafter applying for a building permit for any structure, including major remodeling of any structure, shall as a condition thereof be required to construct a sidewalk along any public street or streets adjacent to the parcel of land associated with such building permit, in accordance with the specifications for construction of sidewalks as set forth herein.

### SECTION 2: PLAN APPROVAL

A Any person, firm or corporation proposing to construct a sidewalk upon any public right-of-way or easement shall apply to the City for approval of the location, dimensions, design and construction methods and materials of such sidewalk. The application shall consist of plans and such detailed drawings and specifications as the City may require. No additional plan approval shall be required when a sidewalk plan has been approved as a part of a building plan.

### SECTION 3: SIDEWALK AND DRIVEWAY DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS

#### A DIMENSIONS AND GEOMETRICS

A-1 DIMENSIONS: All sidewalks shall have a minimum width and a minimum thickness of four (4) inches to match existing walls.

A-2 LOCATION: All public sidewalks shall be located in the platted street and contiguous with the front and/or side lot lines, or within a public sidewalk easement. The standard location shall be one (1) foot from the lot line and within the right-of-way or easement.

A-3 GRADES AND SLOPES: The grade or slope of the sidewalk along its length shall be as near parallel to the street grade as is practical. The standard cross slope of the sidewalk shall be a minimum of 1/4 inch per foot or a maximum of 1/2 inch per foot and shall slope toward the street. The finish grade between the sidewalk and the street shall be 1/4 inch per foot, and shall slope toward the street.

### SECTION 3: A-4 Criteria for Condemning Sidewalk (Applies also to Pedestrian Area Across Driveways)

1. Any block having a crack or cracks in it, 1/2" or more wide.
2. Adjoining blocks or portions thereof whose edges differ vertically by more than 3/4".
3. Blocks that have holes in them 3/4" or more in diameter or are cracked and broken so that pieces are missing or loose.
4. Blocks having depressions, reverse cross-slope (sloping away from the street) or below curb grade so as to impound mud or water.
5. Blocks having a cross-slope in excess of 3/4" vertical per one foot horizontal.
6. Blocks that cause an abrupt change in the longitudinal grade of the sidewalk.
7. Blocks that are ravelled or the surface has spalled, leaving it very rough with loose or sharp coarse aggregate protruding.
8. Any loose natural stone slabs, brick, sandstone, hexagon block, steel plates or gratings (other than approved covers over openings), used as sidewalk over a subgrade. Such sidewalks are very slippery when wet or after a frost.

#### SECTION 3: A-5

##### Criteria for Condemning Driveways

1. Driveways that differ vertically by more than 3/4" either above or below the sidewalk.
2. Driveways that are cracked or broken or have holes larger than 3/4" in diameter.
3. Driveway entrances within street right-of-way constructed of materials that do not meet the City standard specifications for driveways (applies only on streets improved with curbs).
4. Driveways that are dipped across the sidewalk so as to create an abrupt change of grade. This condition normally exists where the grade of the driveway at the street edge of the sidewalk has been held several inches below the grade of the sidewalk and the transition from the driveway to sidewalk grade is accomplished in a very short distance.
5. Any driveway which cannot serve its original intended purpose shall be condemned and curbs (depressed) replaced.

In addition to the above defects of construction or maintenance, the area between the sidewalk and curb should be maintained to slope toward the street. Bushes and trees should be trimmed so as not to interfere with pedestrian traffic.

#### B CONSTRUCTION MATERIALS AND EQUIPMENT

B-1 CONCRETE: All sidewalks and driveways shall be constructed of one course of air-entrained portland cement concrete with a minimum 28 day compressive strength of 3550 pounds per square inch. The concrete mix design shall be a workable mix similar to Mid-West Concrete Industry Board, Inc. (M.C.I.B.), Mix No. A550-1-4. The maximum slump when tested in accordance with ASTM-C143 testing procedure shall not exceed five (5) inches.

B-2 FORMS: Forms shall be of wood or steel, free from warp, and of sufficient strength to resist bending or springing between braces. Forms shall be sufficiently staked and braced to the established grade and shall be cleaned and oiled between each use.

B-3 REINFORCING: Reinforcing of sidewalks and driveways will not be required except in unusual conditions where the City may require reinforcing or welded wire fabric. When welded wire fabric is used it shall be placed two inches (2") from the finished surface of the sidewalk.

#### C CONSTRUCTION DETAILS

##### C-1 SUBGRADE PREPARATION:

(a) Subgrade shall be uniformly compacted to a density equivalent to the density of the immediately surrounding undisturbed soil and evenly graded to the required subgrade elevation. All loose or extraneous material shall be removed from the subgrade and soft spots shall be uniformly recompacted prior to placement of concrete.

(b) Concrete shall not be placed on frozen subgrade.  
(c) Subgrade shall be properly moistened prior to placing concrete.

C-2 COLD WEATHER CONCRETE OPERATIONS: Concrete shall not be placed when it appears likely that the air temperature may fall below 40 degrees Fahrenheit during the pouring or within the following 24 hour period unless preparations are made and precautions are taken to prevent damage to the concrete. The concrete surface shall not be allowed to become colder than 50 degrees Fahrenheit for five (5) days or colder than 50 degrees Fahrenheit for three days using Type III cement or 2% calcium chloride and Type I cement.

##### C-3 PLACING AND FINISHING CONCRETE:

(a) General: The contractor shall provide adequate tools and equipment to produce quality workmanship in placing and finishing concrete. The sidewalk surface finish shall be a coarse texture wood float and broom finish.

(b) Contraction Joints: The sidewalk surface shall be marked off into nominal squares of dimensions equal to the width of the sidewalk with a maximum distance between joints of seven feet. A standard joint tool having a width of 1/8 inch and 1" deep having a lip radius of 1/8 inch to 1/4 inch shall be used in forming the joints.

(c) Expansion Joints: Expansion joints shall be constructed at locations where the sidewalk abuts existing concrete curbs, driveways, and similar structures and as shown on approved plans. Expansion joints shall be formed with 1/2" wide prefabricated non-extending filler and shall extend the full depth of the slab.

C-4 CURING CONCRETE: Sidewalk and driveway slabs shall be cured either by wet covering, waterproof covering, or liquid membrane seal. The curing period shall be a minimum of five (5) days. Curing shall be commenced as soon as possible after the finishing operation and when the concrete has set sufficiently so that it will not be damaged in the process.

C-5 INSPECTION: The contractor shall not commence placing concrete until such time as inspection has been made by the City's authorized representative and form location and grades, slopes and subgrade has been approved for placing of concrete.

SECTION 4: VARIANCES AND APPEALS. It is hereby established a Sidewalk Review Committee to be composed of three members appointed by the Governing Body. Said Sidewalk Review Committee shall consider written appeals or requests for variance from Section 1 and Section 2 of this ordinance. All requests for variance and appeals relating to sidewalks and sidewalk construction shall be referred to the Sidewalk Review Committee.

SECTION 5: REVOCATION OF PERMITS. In the event that any person, firm or corporation shall fail to provide sidewalks, as set forth herein, prior to the occupancy of such building, the building permit shall be revoked, and no certificate of occupancy shall be issued.

#### SECTION 6: MAINTENANCE RESPONSIBILITY.

A. All persons, firms or corporations owning land adjacent to public right-of-way or easement upon which there is presently constructed or will be constructed in the future a sidewalk, are deemed and held responsible for the repair of said sidewalks and the cleanliness and the removal of snow and ice and other debris therefrom.

B. Whenever the City shall find that such public sidewalks are in need of repair or otherwise a safety hazard, the City shall issue notice to the owner of the property adjacent to said sidewalk, informing said owner of the property adjacent to said sidewalk, informing said owner of the required repair or maintenance of said sidewalk and the maximum time period for which the owner will be allowed to make such repairs, not to exceed thirty (30) days.

C. If said owner shall fail to comply with the requirements of said notice within the time specified in the notice, then the City shall proceed to have such repairs made by either City forces performing such work or by public contract. The cost of performing such work shall be reported to the City Clerk by the City representative.

D. The City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify the unpaid cost for said repair and the County Clerk shall extend the same on the tax roll of the County against said lot or parcel of ground. The cost of such work shall be paid from the General Fund or other proper fund of the City, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the City.

SECTION 7: PENALTY. Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars.

SECTION 8: ENJOINMENT. Notwithstanding the foregoing penalty section, the commencement of any sidewalk and driveway construction without compliance with the provisions of this ordinance may be deemed a nuisance and may be enjoined by the City.

SECTION 9: TAKE EFFECT. This ordinance shall take effect and be in force from and after its official publication.

/s/ Christopher H. Miller  
Mayor

/s/ Ora M. Amberg  
City Clerk  
SEAL

46-47-48

## AFFIDAVIT OF PUBLICATION

State of Kansas, Johnson County, ss:

BOB FISER being first duly sworn,

Deposes and says: That he is the editor of the Johnson County Herald, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas, with a general paid circulation on a weekly basis in Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly 50 times a year; has been 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, in said County as 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 3 consecutive weeks, the first publication thereof being made as aforesaid on the

17th November, 1971, with subsequent publications being made on the following dates:

November 24, 1971

December 1, 1971

                    , 19      

                    , 19      

                    , 19      

                    , 19      

                    , 19      

Subscribed and sworn to before me this 1st

day of December, 1971

Helen M. Caldwell

Notary Public in and for  
Johnson County, Kansas

My Commission Expires Aug 28, 1975  
My commission expires:                     

Notary Fee - - - - - \$                     

Printer's fee - - - - - \$ 122.94

Additional copies - - - - - \$                     

Total Charge - - - - - \$ 122.94

IN THE                      COURT OF

JOHNSON COUNTY, KANSAS

State of Kansas, Johnson County, ss:

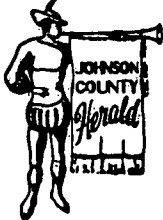
                    , 19      

The within Proof of Publication approved by

Johnson County Herald—Fully qualified to  
publish legal notices







STATEMENT

Date 12-1, 19 71

IN ACCOUNT WITH

## JOHNSON COUNTY PUBLISHERS, INC.

Box 8

5921 Metcalf

Shawnee Mission, Kansas 66201

● Terrace 1-2500

City of Westwood Hills  
5008 State Line  
Shawnee Mission, Kansas 66205

RE: Ord. #82

	1ST. WEEK	2ND. WEEK	3RD. WEEK	4TH. WEEK	5TH. WEEK	TOTAL	RATE	AMOUNT
DATE .....								\$
DISPLAY .....								
CLASSIFIED .....								
LEGAL .....								122.94

Accounts Due 1st of Month following date of advertising.

8% Interest on accounts over 30 days old.

For Month . . . . .

Balance Forward . . . . .

THANK YOU!

TOTAL . . . . . 122.94

An ordinance relating to construction, maintenance, regulation and control of sidewalks within the City of Westwood Hills, Kansas, establishing a sidewalk review committee, and providing penalties for violations thereof:

Be ordained by the governing body of the City of Westwood Hills, Kansas:

*and driveway*  
SECTION 1: SIDEWALK REQUIREMENTS

- A Any person, firm or corporation hereinafter applying for a building permit for any structure, including major remodeling of any structure, shall as a condition thereof be required to construct a sidewalk along any public street or streets adjacent to the parcel of land associated with such building permit, in accordance with the specifications for construction of sidewalks as set forth herein.

SECTION 2: PLAN APPROVAL

- A Any person, firm or corporation proposing to construct a sidewalk upon any public right-of-way or easement shall apply to the City for approval of the location, dimensions, design and construction methods and materials of such sidewalk. The application shall consist of plans and such detailed drawings and specifications as the City may require. No additional plan approval shall be required when a sidewalk plan has been approved as a part of a building plan.

*and driveway*  
SECTION 3: SIDEWALK DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS

A DIMENSIONS AND GEOMETRICS

A-1 DIMENSIONS: All sidewalks shall have a minimum width of ~~four (4) feet~~ and a minimum thickness of four (4) inches.

*to match existing walls.*

A-2 LOCATION: All public sidewalks shall be located in the platted street and contiguous with the front and/or side lot lines, or within a public sidewalk easement. The standard location shall be one (1) foot from the lot line and within

the right-of-way or easement.

A-3 GRADES AND SLOPES: The grade or slope of the sidewalk along its length shall be as near parallel to the street grade as is practical. The standard cross slope of the sidewalk shall be a minimum of  $\frac{1}{4}$  inch per foot or a maximum of  $\frac{1}{2}$  inch per foot and shall slope toward the street. The finish grade between the sidewalk and the street shall be  $\frac{1}{4}$  inch per foot, and shall slope toward the street.

### SECTION 3: A-4

#### Criteria for Condemning Sidewalk

(Applies also to Pedestrian Area Across Driveways)

1. Any block having a crack or cracks in it,  $\frac{1}{2}$ " or more wide.
2. Adjoining blocks or portions thereof whose edges differ vertically by more than  $\frac{3}{4}$ ".
3. Blocks that have holes in them  $\frac{3}{4}$ " or more in diameter or are cracked and broken so that pieces are missing or loose.
4. Blocks having depressions, reverse cross-slope (sloping away from the street) or below curb grade so as to impound mud or water.
5. Blocks having a cross-slope in excess of  $\frac{3}{4}$ " vertical per one foot horizontal.
6. Blocks that cause an abrupt change in the longitudinal grade of the sidewalk.
7. Blocks that are ravelled or the surface has spalled, leaving it very rough with loose or sharp coarse aggregate protruding.
8. Any loose natural stone slabs, brick, sandstone, hexagon block, steel plates or gratings (other than approved covers over openings), used as sidewalk over a sub-grade. Such sidewalks are very slippery when wet or after a frost.

### SECTION 3: A-5

#### Criteria for Condemning Driveways

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3. Driveway entrances within street right-of-way constructed of materials that do not meet the City standard specifications for driveways (applies only on streets improved with curbs).
4. Driveways that are dipped across the sidewalk so as to create an abrupt change of grade. This condition normally exists where the grade of the driveway at the street edge of the sidewalk has been held several inches below the grade of the sidewalk and the transition from the driveway to sidewalk grade is accomplished in a very short distance.

5. Any driveway which cannot serve its original intended purpose shall be condemned and curbs (depressed) replaced.

In addition to the above defects of construction or maintenance, the area between the sidewalk and curb should be maintained to slope toward the street. Bushes and trees should be trimmed so as not to interfere with pedestrian traffic.

## B CONSTRUCTION MATERIALS AND EQUIPMENT

*driveway*  
B-1 CONCRETE: All sidewalks shall be constructed of one course of air-entrained portland cement concrete with a minimum 28 day compressive strength of 3550 pounds per square inch. The concrete mix design shall be a workable mix similar to Mid-West Concrete Industry Board, Inc. (M.C.I.B.), Mix No. A550-1-4. The maximum slump when tested in accordance with ASIM-C143 testing procedure shall not exceed five (5) inches.

B-2 FORMS: Forms shall be of wood or steel, free from warp, and of sufficient strength to resist bending or springing between braces. Forms shall be sufficiently staked and braced to the established grade and shall be cleaned and oiled between each use.

*driveways*  
B-3 REINFORCING: Reinforcing of sidewalks will not be required except in unusual conditions where the City may require reinforcing or welded wire fabric. When welded wire fabric is used it shall be placed two inches (2") from the finished surface of the sidewalk.

## C CONSTRUCTION DETAILS

### C-1 SUBGRADE PREPARATION:

- (a) Subgrade shall be uniformly compacted to a density equivalent to the density of the immediately surrounding undisturbed soil and evenly graded to the required subgrade elevation. All loose or extraneous material shall be removed

from the subgrade and soft spots shall be uniformly recompactd prior to placement of concrete.

(b) Concrete shall not be placed on frozen subgrade.

(c) Subgrade shall be properly moistened prior to placing concrete.

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*driveway*

C-4 CURING CONCRETE: Sidewalk slabs shall be cured either by wet covering, waterproof covering, or liquid membrane seal. The curing period shall be a minimum of five (5) days. Curing shall be commenced as soon as possible after the finishing operation and when the concrete has set sufficiently so that it will not be damaged in the process.

✓ C-5 INSPECTION: The contractor shall not commence placing concrete until such time as inspection has been made by the City's authorized representative and form location and grades, slopes and subgrade has been approved for placing of concrete.

SECTION 4: VARIANCES AND APPEALS. It is hereby established a Sidewalk Review Committee to be composed of three members appointed by the Governing Body. Said Sidewalk Review Committee shall consider written appeals or requests for variance from "Section 1. and Section 2." of this ordinance. All requests for variance and appeals relating to sidewalks and sidewalk construction shall be referred to the Sidewalk Review Committee.

SECTION 5: REVOCATION OF PERMITS. In the event that any person, firm or corporation shall fail to provide sidewalks, as set forth herein, prior to the occupancy of such building, the building permit shall be revoked, and no certificate of occupancy shall be issued.

SECTION 6: MAINTENANCE RESPONSIBILITY.

- ✓ A. All persons, firms or corporations owning land adjacent to public right-of-way or easement upon which there is presently constructed or will be constructed in the future a sidewalk, are deemed and held responsible for the repair of said sidewalks and the cleanliness and the removal of snow and ice and other debris therefrom.
- B. Whenever the City shall find that such public sidewalks are in need of repair or otherwise a safety hazard, the City shall issue notice to the owner of the property adjacent to said sidewalk, informing said owner of the required repair or maintenance of said sidewalk and the maximum time period for which the owner will be allowed to make such repairs, not to exceed thirty (30) days.
- C. If said owner shall fail to comply with the requirements of said notice within the time specified in the notice, then

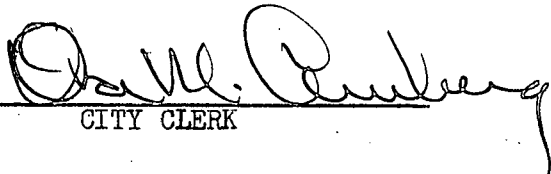
the City shall proceed to have such repairs made by either City forces performing such work or by public contract. The cost of performing such work shall be reported to the City Clerk by the City representative.

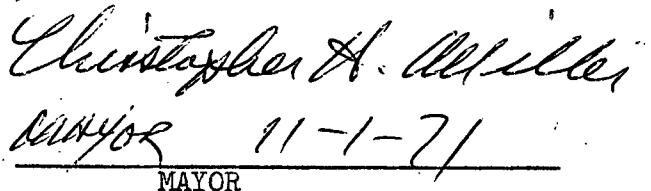
- D. The City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify the unpaid cost for said repair and the County Clerk shall extend the same on the tax roll of the County against said lot or parcel of ground. The cost of such work shall be paid from the General Fund or other proper fund of the City, and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the City.

SECTION 7: PENALTY. Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars.

SECTION 8: ENJOINMENT. Notwithstanding the foregoing penalty section, the commencement of any <sup>sidewalk</sup> construction without compliance with the provisions of this ordinance may be deemed a nuisance and may be enjoined by the City.

SECTION 9: TAKE EFFECT. This ordinance shall take effect and be in force from and after its official publication.

  
CITY CLERK

  
MAYOR 11-1-71  
MAYOR

SEAL

46-47-48