

Chapter 515

STREETS

Section 515.010. Temporary Closing of Streets. [R.O. 2013 §515.010; CC 1991 §520.180; CC §68.500]

- A. The Street Commissioner is authorized, with the approval of the Mayor or Acting Mayor, to close any street, alley, public place or highway within the limits of the City of Tarkio and withdraw the same from the public use temporarily for such period as public work thereon shall make such action necessary. Any person using or attempting to use said street, alley, public place or highway so withdrawn from public use, or driving or attempting to drive any animal or vehicle thereon, shall be deemed guilty of an ordinance violation.
- B. Before consent for opening any street is given, the person requesting consent shall post a bond with the City in an amount determined by the Street Commissioner to be sufficient to make the repairs as required herein.

Section 515.020. Excavations. [R.O. 2013 §515.020; CC 1991 §520.190; CC §68.510; Ord. No. 520.190, 11-15-1995; Ord. No. 520.190, 5-14-2002]

It shall be unlawful for any person to make any opening in any street, avenue or alley in the City of Tarkio for the purpose of laying water line, sewer pipe or any other utility across said street, avenue or alley without first having secured the consent of the Street Commissioner of said City. Before consent for opening any street is given, the person requesting consent shall post a bond with the City in an amount determined by the Street Commissioner to be sufficient to make the repairs as required herein. Any person opening any street, avenue or alley in the City of Tarkio will pay for any and all repairs of said street, avenue or alley in the City of Tarkio, and said sums so paid as provided in this Section shall be placed in the street funds of said City to be used for said purpose and kindred purposes. It shall be the duty of the City of Tarkio to replace said part of said street so damaged by being opened for the purpose of laying said water, sewer pipe or other utility.

Section 515.030. Condemnation for Streets. [R.O. 2013 §515.030; CC 1991 §520.210; CC §68.530]

- A. Whenever it is proposed to create, open, widen, extend, alter or vacate any street or alley within the corporate limits of the City of Tarkio, the person or persons submitting said proposition shall lay before the Board of Aldermen a plat showing as near as possible the street or alley proposed to be created, opened, widened, extended, altered or vacated.
 - 1. If the Board of Aldermen, after considering any proposition submitted to them, shall deem it necessary to create, open, widen, extend or alter any street or alley as proposed by said plat, they shall by ordinance cause the boundary lines of the

proposed street or alley to be designated, and if said street or alley is proposed to be vacated in whole or in part, said ordinance shall designate what part of the same shall be vacated or closed.

2. Whenever the Board of Aldermen shall have passed an ordinance designated to create, open, widen, extend, alter or vacate any street or alley in the City, the Mayor shall appoint five (5) disinterested residents of the City who shall in the discharge of their duties, under oath, faithfully and impartially make the assessments to them submitted.
3. In determining the assessment submitted to the jury of residents, they shall consider the benefits there resulting to as well as damages sustained by the owner of the property so taken, and said jury shall moreover estimate the amount of benefits which other persons owning adjacent property bordering on the part of the street or alley proposed to be created, opened, widened, extended, altered or vacated.
4. Whenever said jury of residents shall estimate and assess any benefits to any property owner or owners adjacent or bordering upon the part of any said street or alley proposed to be created, opened, widened, extended, altered or vacated, said person or persons so benefitted shall contribute toward compensating the person or persons so injured and such amount shall constitute a lien in favor of the City on the adjacent property, all of which shall be returned by said jury of residents under their hands and seals to the Board of Aldermen.
5. The said jury of residents shall view the proposed street or alley and property to be affected by the change and set a day and place for hearing evidence as to said benefits and damages and shall give at least five (5) days' previous notice of said day and place to each of the owners of the property lying adjacent to the part of the street or alley to be created, opened, widened, extended, altered or vacated, provided that such owners are residents of the County, personal service of a written notice shall be deemed sufficient, or if any of such property owners are non-residents of Atchison County, then notice by publication may be given, such notice to be published at least two (2) weeks before the day set for hearing in some newspaper published in the City.
6. Whenever said jury of residents shall have assessed benefits to any person or persons owning property adjacent to said proposed street or alley created, opened, widened, extended, altered or vacated, every person so assessed with benefits shall pay into the City Treasury within sixty (60) days the amount of said benefits so assessed to him/her by said jury.
7. If the title to any property proposed to be taken for any street or alley provided for in this Article be in litigation or dispute, the damages awarded to said property shall not be paid out of the City Treasury until such dispute shall have been adjudicated or compromised, but the said money shall remain and be set apart in the City Treasury.
8. The City Clerk shall enter the names of the jury of residents upon the records of the City. The said jury shall be allowed for their service the amount of two dollars (\$2.00) per day for each full day occupied in determining the damages or benefits in this act provided.

Section 515.040. Wires Over Streets. [R.O. 2013 §515.040; CC 1991 §520.220; CC §68.540]

All electric light or telephone or telegraph or electrical transmission wires put or run along or across the streets, avenues, alleys of Tarkio shall be suspended at a height above the ground of not less than twenty (20) feet at the lowest crossarm on the poles supporting such wires. All such wires shall be so suspended that they may be raised or lowered to permit the passage of buildings or other structures upon said streets, avenues or alleys as provided for by the ordinance of the City of Tarkio.

Section 515.050. Wires Over Streets — Erection. [R.O. 2013 §515.050; CC 1991 §520.230; CC §68.550]

No person, company, co-partnership or corporation shall erect or maintain any telephone, telegraph, electric or transmission wire or other wire or cable or appliance upon any street or alley or other public place in the City of Tarkio in such manner as to prevent the moving of any buildings along or upon any such street, alley or other public place; nor shall permanently maintain any such wire, cable or appliance at such height as will prevent the passage of buildings along or upon such streets, alleys or other public places. The minimum height to which wires are required to be strung by the Board of Aldermen by the ordinances of the City of Tarkio shall not be construed to exempt the owner of said wires from police regulations requiring them to raise or lower their wires to permit the passage of buildings or other structures along the streets or alleys of the City of Tarkio as herein provided.

Section 515.060. Wires Over Streets — Moving of Building on Streets. [R.O. 2013 §515.060; CC 1991 §520.240; CC §68.560]

- A. Any person, company, corporation or co-partnership desiring to move a house or other structure upon, across or under any such street, alley or other public place within the limits of the City of Tarkio shall first obtain a permit from the City Clerk so to do and shall state the location of the house or building to be moved, its greatest length, width and height and shall state definitely the route over which it is to be moved and whether or not it will be necessary to cut, remove, raise or in any other way interfere with any of the wires, lines or cables hereinbefore mentioned. If it shall be necessary to cut, remove, raise or in any other way interfere with the wires, the application shall state to the owners of such wires the time and place, when and where the cutting, raising or otherwise interfering with said wires or cables will be necessary, and the proposed new location of such building. The Mayor or the Chief of Police shall have authority to require any changes in such route as he/she may deem proper over attending circumstances.
1. If it shall appear from the application that it will be necessary to cut, remove or in any way interfere with any electric wires, transmission lines, telephone or telegraph lines, or any poles bearing upon such wires, it shall be the duty of the City Clerk to give the owner or owners of such wires or other appliances at least five (5) days' notice of the time and place, when and where the removal or the cutting or raising, or otherwise interfering with said wires will be necessary.
 2. It shall be the duty of any corporation owning or operating said poles, wires or transmission lines, electric light, telephone or telegraph wires, after the service of notice as required in Subsection (1) hereof, to furnish competent workmen or linemen

to remove such poles or raise or cut such wires as will be necessary to facilitate the moving of said house or other structure. The actual expense incurred of any such house or building or structure shall be paid for by the person, firm or corporation owning and operating said lines.

3. If the person, firm or corporation owning or operating said lines, wires, cables or appliances shall fail or refuse to raise, lower or cut said wires, the persons engaged in moving any house, building or other structure shall raise, lower, cut or remove any wires, cables or transmission lines and shall do so only with competent workmen or linemen and the same shall be done in a careful and workmanlike manner and the said wires, cables, lines and other appliances shall be promptly replaced and damages thereto promptly repaired at the expense of the person, firm or corporation owning or operating said wires, cables, lines or other appliances.