

Chapter 530

STREETS AND SIDEWALKS

Cross Reference – Snow emergency regulations and routes, see ch. 370.

ARTICLE I General Regulations

Section 530.010. Excavation Barriers And Guards. [Ord. No. 1478 § 1, 10-3-2016¹]

It shall be the duty of every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street of this City, during the progress of such work, to cause such excavation to be securely guarded by a fence with at least three (3) strings of good six (6) inch boards nailed not less than eighteen (18) inches apart to posts firmly set in the ground or otherwise securely fixed in place; such posts to be not more than six (6) feet apart and the top of the highest post shall be not less than four and one-half (4 1/2) feet from the surface of the sidewalk or street; and from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise to illuminate such excavation or obstruction with red lights sufficient in number and so placed as to show the full extent thereof.

Section 530.020. Sidewalk Defect Elimination. [Ord. No. 1478 § 1, 10-3-2016]

- A. This policy sets forth guidelines to uniformly promote quality sidewalks in the City:
1. To enhance the neighborhood and homeowner property values, and
 2. To ensure safe surface conditions for pedestrians and/or persons confined to wheelchairs.
- B. It shall be unlawful for the owner of any property having a sidewalk adjacent thereto to permit any plank, brick, stone or segment of said sidewalk to be raised above the established level of said sidewalk more than three-quarters (3/4) inch, in any manner which might catch the foot of a pedestrian, or impede the motion of a wheelchair, or to permit any holes or depressions to occur in the sidewalk in which a pedestrian might step or catch his/her foot in a manner liable to cause injury.
- C. The Building Official shall inspect sidewalk conditions and make a recommendation to the City Administrator for the ordering or replacement of defective sidewalks:
1. Sections of sidewalk which are inadequate and/or potentially dangerous to pedestrian or wheelchair traffic shall be condemned.
 2. Sections of sidewalk with simple tight cracks shall not be condemned unless those

1. Editor's Note: See Editor's Note regarding repeal of this Chapter set out on Title V, Notes:1 page at the beginning of this Title.

sections are adjacent to condemned sections. Sections of sidewalk with multiple cracks or cracks wide enough to grow grass shall be replaced.

3. Sections of sidewalk that are raised or have sunken at least three-quarters (3/4) inch create a trip hazard and shall be leveled or replaced.
 4. Sections of sidewalks showing signs of spalling (crumbling) shall be replaced.
 5. Sections of sidewalk ponding water are potentially dangerous and shall be condemned; property owner may either raise the sidewalk or lower the parking.
 6. Sections of sidewalk with excessive cross-slope (more than one-half (1/2) inch in twelve (12) inches) or sloped away from the street shall be replaced.
 7. The corner section and any sections between the corner and the street shall be the City's responsibility.
 8. If the property owner elects to have repairs done by anyone other than the City or its agents, a licensed contractor must be used. The City must be notified, in advance, to have the work inspected and taken off the condemned list, provided the Code has been satisfied.
 9. All sidewalks shall be constructed as per Subsection (B) of the City of Mulvane "Street Standards," Section 530.060. (As a minimum, four (4) feet wide and four (4) inches thick.)
 10. All sidewalks shall be float finished followed by a smooth trowel, leaving no low impressions that are not square to surface of the sidewalk. That shall be followed by a light broom textured finish to prevent skidding.
- D. Any property owner convicted of violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). Each thirty (30) days in which the prior violation continues shall constitute a new and separate violation.

Section 530.025. Permit Fees. [Ord. No. 1478 § 1, 10-3-2016]

The permit fee for construction or repair of sidewalks, driveways or curb cuts shall be as set forth in Section 100.240.

ARTICLE II
Sidewalk Construction and Repair

Section 530.030. Sidewalks To Be Built On Grades Established By City. [Ord. No. 1478 § 1, 10-3-2016]

All sidewalks constructed or reconstructed in this City shall be constructed on the established grade on file in the City Clerk's office.

Section 530.040. Plans And Specifications. [Ord. No. 1478 § 1, 10-3-2016]

All sidewalks within the City shall be constructed, repaired and reconstructed according to plans

and specifications kept on file in the office of the City Clerk and in the office of the City Engineer, at the time of the adoption of this Code, which plans and specifications are hereby adopted by reference as provided by law.

Section 530.050. Repairs By Owner Or City. [Ord. No. 1478 § 1, 10-3-2016]

It shall be the duty of the owner of property abutting on any sidewalk to keep the same repaired, but the City may, after giving five (5) days' notice to the owner or his/her agent (if known) of the necessity of making the repairs and without notice if the abutting lot or piece of land is unoccupied, make all necessary repairs at any time; provided, that the same shall be done and the cost thereof be assessed against the lot, or piece of land abutting on the sidewalks so repaired as may be provided by law.

ARTICLE III
Street Design And Construction

Section 530.060. Minimum Standards For Paved Streets. [Ord. No. 1478 § 1, 10-3-2016]

- A. Street design and construction shall conform to all applicable regulations in effect in addition to the following standards.
- B. Standards For New Development. This Subsection covers required improvements under the Mulvane Subdivision Regulations for "Urban Type Subdivisions." This Section of standards may also be applied to new construction or to the reconstruction of collector and arterial streets in developed or previously platted parts of the City, where City at large funds are used to pay for at least a portion of the street improvements. Refer to the Section entitled "Standards for Existing Development" for additional information.
 - 1. Earthworks/Subgrade.
 - a. In fill sections, fill shall be Type B compaction, except for the top six (6) inches placed immediately under the subgrade upon which the pavement is supported which shall have ninety-five percent (95%) of standard proctor density.
 - b. All newly constructed streets shall be supported by a stabilized subgrade. The subgrade may consist of soil chemically stabilized in place by lime, flyash or Portland cement; alternately, the subgrade may consist of a rock base.
 - c. Minimum subgrade thicknesses are as follows:

	Chemical Stabilization	Rock Base
(1) Local streets	6 inches	5 inches
(2) Collector streets	6 inches	6 inches
(3) Arterial streets	6 inches	6 inches

Detailed soils investigations to determine soil types and stabilization chemicals and application rates may be performed at the street design engineer's option, or if the designer is

familiar with soil types he/she may use his/her own judgment to select stabilization methods and application rates for local and collector streets only. A soils investigation performed by a geotechnical engineer is required for arterial street design. If no soils investigation is obtained for local or collector street design, the following shall serve as a recommended guideline for chemical stabilization:

Clay soils: Pebble lime, 20 TAF 25 pounds per square yard

Clay and sand clay mixtures: Flyash, 70 TAF 80 pounds per square yard

Sandy soils: Portland cement, 50 pounds per square yard

Rock base materials and construction methods shall conform to applicable City of Wichita Standard Specifications and detailed sheets.

2. Pavements.

- a. Pavement material shall consist of either Portland cement concrete or asphalt concrete. Minimum thickness shall be six (6) inches. Minimum pavement thickness based on street classification are as follows:

		Concrete	Asphalt
(1)	Local streets	6 inches	6 inches
(2)	Collector streets	6 inches	7 inches
(3)	Arterial streets	8 inches	9 inches

- b. All concrete pavement constructed at the above thickness shall be reinforced in accordance with the design engineer's recommendations. If unreinforced concrete is used, the pavement thickness shall be increased an appropriate amount to offset the lack of reinforcement. Plans for the construction of concrete streets shall include a joint plan. All joints shall be sawed and sealed.

3. Valley Gutters. Where storm water runoff crosses an intersection, a concrete valley gutter shall be provided. No valley gutters will be allowed across arterial streets; valley gutters will generally not be allowed to cross collector streets, unless a significant amount of storm sewer can be eliminated. Valley gutters shall conform to concrete pavement standards above. Minimum reinforcement shall be six (6) inches by six (6) inches/4-4 WWF, with dowel bars as required by the joint plan.

4. Curbs And Gutters.

- a. Curbs and gutters shall be required along all street pavement. Along concrete pavement, curbs and gutter may be poured in advance of the street pavement; alternately, curbs may be poured monolithically with the street pavement with a

slipform machine.

- b. Curbs and gutters shall be a minimum of two (2) feet to six (6) inches in width; gutter sections shall have a minimum thickness of six (6) inches. High curb (full curb) shall have a height of six (6) inches to six and five-eighths (6 5/8) inches above the gutter flowline; low curb (roll curb) shall have a height of three (3) inches to three and one-half (3 1/2) inches above the gutter flowline. The amount of storm water runoff which the street is to carry and the longitudinal slope of the street shall be considered when roll curb is selected. The use of roll curb may necessitate additional inlets and storm sewers. Roll curb shall not be used along arterial streets; roll curb generally shall not be used along collector streets, however, the Planning Commission may make exceptions if storm water runoff flows and traffic volumes are relatively low.
 - c. Designation Of Curbs And Gutters. It is hereby found and determined to be advisable and in the best interests and for the general health and welfare of the public, that all curbs and gutters constructed within the boundaries of the City, from and after the date of adoption hereof (September 20, 1999), shall be and hereby are determined to be necessary for the purpose of carrying away excess storm water which accumulates on the surfaces of the streets, avenues, roads, highways, trafficways, alleys, overpasses, underpasses, culverts and bridges located within the City; and as such, are hereby declared and designated to be a part of the City's Storm Water Collection and Drainage System.
5. Street Geometries. The following geometric design criteria are established in the Mulvane Subdivision Regulations: right-of-way width, pavement width, longitudinal slopes, horizontal curves, intersection radii, horizontal sight distances and vision triangles. Additional geometric designs criteria are as follows:
 - a. Pavement cross-slope (transverse to street) shall be one-quarter (1/4) inch per foot minimum and three-eighths (3/8) inch per foot maximum.
 - b. Parking slope (between back of curb and right-of-way line) shall be one-quarter (1/4) inch per foot minimum.
 6. Storm Sewers. All storm sewers installed in conjunction with new streets shall be reinforced concrete pipe. Curb inlets and manholes shall be brick, cast in place concrete or precast concrete. Curb inlets shall have concrete tops. Where storm sewers discharge to open channels or natural drainageways, erosion protection shall be provided and may consist of limestone riprap, concrete or other material which is functional and aesthetically satisfactory.
 7. Traffic Control Signs, Signals And Striping.
 - a. For local and collector streets constructed as required improvements under the Mulvane Subdivision Regulations, it is preferable to have street name signs and traffic control signs included in the design and construction of the project and paid for by the developer or special assessments. If the City and the developer mutually agree, the street signs and traffic control signs may be furnished and installed by the City of Mulvane and paid for either by the developer or charged

to the property as part of the special assessments. Generally, no street striping is provided along local or collector streets; however, crosswalks or school crosswalks may be required at some locations.

- b. Traffic control signs and street name signs shall be installed along newly constructed arterials. Traffic signals shall be installed where traffic volumes and intersection considerations are such that they are required.
 - c. All signs, striping and other traffic control devices shall be designed, furnished and installed in accordance with the manual on Uniform Traffic Control Devices (MUTCD) (latest edition).
8. Approaches, Sidewalks And Wheelchair Ramps.
- a. Concrete driveway approaches shall be six (6) inches concrete (minimum) and shall extend from back of curb to right-of-way line. Approaches may be unreinforced or reinforced at the property owner's request. Commercial or industrial approaches shall be eight (8) inches concrete where heavy truck traffic is a consideration.
 - b. Concrete sidewalks, where required, shall be four (4) inches thick concrete with a four (4) foot width, unreinforced. Wheelchair ramps shall conform with applicable standards.
 - c. All driveway approach, sidewalk wheelchair ramp and other incidental items of street construction shall conform to applicable City of Wichita Standard Specifications and details.
9. Reference Specifications/Plan Preparation. All construction equipment, methods and materials necessary to construct the above-described pavement items, with the exception of signs, striping and traffic control devices shall conform to applicable portions of the City of Wichita Standard Specification (latest edition) and related standard detail sheets.
10. Commercial And Industrial Development. The above-described standards are generally applicable for residential or light commercial land uses. The Planning Commission and/or City Council shall have the right to require local and collector streets in commercial or industrial areas to conform to higher standards, particularly with regard to pavement thickness and subgrade requirements, in areas where heavy truck traffic is likely.
11. Exceptions. Where arterial streets within the corporate limits of the City are to be paved with partial or complete Federal, State or County funds, design and construction standards established by the applicable funding agency shall govern over the standards contained herein, when said standards are more restrictive. In the event that the standards of the funding agency are partially or completely less restrictive than these City standards, the City Council reserves the right to partially or completely waive these standards, upon agreement with or knowledge of the funding agency.

C. Standards For Existing Development.

1. In areas which are partially or completely developed with businesses or houses and where streets are not required to be constructed as part of platting, this Subsection shall apply.
2. Except for the interconnecting street law in the Kansas Statutes, where a City is authorized to require property owners to be assessed for paving a short length of street between two (2) streets which are already paved, the City is not expected to authorize paving of any local streets or collector streets, unless property owners present a valid paving petition under Kansas law.
3. When a valid petition is submitted by property owners for paving a local or collector street, the City Council shall decide at the public hearing required under improvement law what standards shall be applied to the petitioned project. The following options are submitted for consideration by the City Council:
 - a. The City Council may determine that above-described standards which apply to new development may be applied to the petitioned project.
 - b. In older developed areas, where properties are served by rural-type sand or gravel surfaced roads where ditches and driveway pipes exist for drainage purposes, the City Council may allow the continued use of the existing drainage system provided that the system is adequate to contain storm water flows within public street or drainage right-of-way. This requirement may necessitate regarding ditches, installing new drainage pipes at some locations and replacing existing pipes with larger pipes at other locations. The City Council may opt to not require curbs and gutter if the existing ditches and pipes are adequate or made to be adequate. New pavement shall be six (6) inches minimum thickness hot-mix asphalt. If the existing roadbed has sufficient strength through sand or gravel stabilization, chemical stabilization of subgrade may not be needed.
 - c. In developed areas which have curb and gutter streets but the pavement is deteriorated and property owners wish to have the street reconstructed, the City Council may opt to save the existing curb and gutter or make spot repairs where needed and reconstruct the pavement between the existing gutter.
 - d. New pavement construction shall conform to the applicable standards described above for new development. Any necessary drainage improvements shall be constructed prior to constructing pavement.
4. Priming and sealing of existing sand or gravel roads shall not be allowed. (This does not refer to periodic sealing of existing streets which the City currently performs as part of its street maintenance program). Thin hot-mix overlays (thickness in the range of one (1) to four (4) inches) shall not be applied to existing sand or gravel roads.

ARTICLE IV
Driveways And Curb Cuts

Section 530.070. Driveways Generally – Plans And Specifications Approved. [Ord. No. 1478 § 1, 10-3-2016]

All driveways hereafter constructed in the City on streets with curb and gutter or where curb and gutter is under contract to be constructed, shall be constructed, repaired and reconstructed according to plans and specifications prepared by the City Engineer, approved by the Governing Body and filed in the office of the City Clerk.

Section 530.080. Driveway Widths. [Ord. No. 1478 § 1, 10-3-2016]

All such driveways shall be not less than ten (10) feet in width; provided, that when the Governing Body deems it necessary or advisable, it may order a driveway to be constructed of greater width.

Section 530.090. Driveway Location. [Ord. No. 1478 § 1, 10-3-2016]

All such driveways shall be located so that the nearest edge of the driveway is not less than six (6) feet from the side property line; provided, that where the Governing Body deems it necessary or advisable, it may give permission to locate a driveway less than six (6) feet from said property line.

Section 530.100. Driveway Specifications – Removal Of Curb And Gutter. [Ord. No. 1478 § 1, 10-3-2016]

The owner of any property abutting on any street or his/her duly authorized agent or contractor may, in accordance with Section 530.070 of this Article, cut and remove any curb and gutter at construction joints to construct a driveway entrance to his/her premises; provided, that the curb and gutter shall be entirely cut and removed and replaced according to such plans and specifications filed in the office of the City Clerk and the driveway entrances shall not be so constructed as to change the grade of any existing sidewalk or curb and gutter except with the prior approval of the Governing Body.

Section 530.110. Penalty For Violation – Injunction Proceedings. [Ord. No. 1478 § 1, 10-3-2016]

It shall be unlawful for any person to construct, repair or reconstruct or cause or permit to be constructed, repaired or reconstructed any driveways in the City on streets with curb and gutter or where curb and gutter is under contract to be constructed, except in accordance with this Article and the plans and specifications filed in the office of the City Clerk; and any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not to exceed one hundred dollars (\$100.00). In addition to the imposition of the penalty herein provided, the Governing Body shall have the authority to enforce compliance with the provisions of this Article by injunction or other appropriate proceedings.

ARTICLE V
Moving Buildings

Section 530.120. Permit Necessary. [Ord. No. 1478 § 1, 10-3-2016]

It shall be unlawful for any firm or corporation to move any house or other structure of the height of sixteen (16) feet or over or of a width of fifteen (15) feet or more or which cannot be moved at a speed of four (4) miles per hour or more upon or across any street, alley or sidewalk in this City without first obtaining a permit to do so as hereinafter provided.

Section 530.130. Application For Permits. [Ord. No. 1478 § 1, 10-3-2016]

All applications for permits to move houses, buildings, derricks or other structures mentioned in Section 530.120 shall be made in writing to the City Clerk, specifying the day and hour said moving is to commence and the route through the City's streets over which said building or structure shall be moved. If it shall be necessary to cut down and move, raise or in any way interfere with any wires or poles, the application shall state the name of the owners of said wires or poles and the time and place, when and where the removal of said poles or the cutting, raising or otherwise interfering with said wires will be necessary.

Section 530.140. Applicant To Notify Wire Owners. [Ord. No. 1478 § 1, 10-3-2016]

The applicant shall, upon the filing of such application, give not less than fifteen (15) days' written notice to the person, firm or corporation owning or operating such wires or poles, or to their agents, of the time and place, when and where the removal of said poles or the cutting, raising or otherwise interfering with said wires shall be necessary.

Section 530.150. Duty Of Owner Of Poles Or Wires. [Ord. No. 1478 § 1, 10-3-2016]

It shall be the duty of the person, firm or corporation owning or operating said poles or wires after service of notice, as provided in Section 530.140, to furnish competent workmen to remove such poles or raise or cut such wires, as will be necessary to facilitate the moving of such house or other structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

Section 530.160. Duty Of Mover. [Ord. No. 1478 § 1, 10-3-2016]

It shall be the duty of any person, firm or corporation moving any of the structures mentioned in Section 530.120 of this Article upon or across any street, alley or sidewalk in this City, to display red lanterns thereon in such manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

Section 530.170. Mover To Provide Insurance. [Ord. No. 1478 § 1, 10-3-2016]

The City may require any person, firm or corporation at the time of making application for a permit as provided in Section 530.130 of this Article to provide insurance in the amount of five hundred thousand dollars (\$500,000.00) and name the City as an additional insured on such policy thereby indemnifying the City against any loss or damage suit resulting from the failure of such person, firm or corporation to comply with the provisions of this Article or from their

negligence.

Section 530.180. Penalty. [Ord. No. 1478 § 1, 10-3-2016]

Any person violating the provisions of this Article shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment.

ARTICLE VI
Right-Of-Way Management

Section 530.190. Facilities Within Rights-Of-Way. [Ord. No. 1513, 4-1-2019]

A. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purposes of this Article, have the meaning indicated in this Section:

RIGHT-OF-WAY — Only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and futures streets, alleys, avenues, roads, highways, parkways, or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless communications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

OCCUPANT — Any person, firm, corporation, association, utility, or entity which enters upon the right-of-way of the City, or in any manner establishes a physical presence on, upon, in or over the right-of-way of the City, for the purpose of installing, constructing maintaining or operating any utility facility.

FACILITY — Any utility lines, conduits, wires, fiber optic wires, cables, pipes, pipelines, towers, wireless or cellular facilities, including small wireless facilities, antennae, vaults or appliances, or related facilities or appurtenances thereto.

SMALL WIRELESS FACILITY — Any small wireless facility as defined under Sections 253 and 332 of the Communications Act (47 U.S.C. § 253; 47 U.S.C. § 332).

B. Use Of Right-Of-Way. No person, firm, corporation, association, utility, or entity shall enter upon the right-of-way of the City, or in any manner establish a physical presence on, upon, in or over the right-of-way of the City, for the purpose of installing, constructing, maintaining or operating facilities without the express written permission of the City. The permission of the City may be given by a franchise granted pursuant to the provisions of Kansas law or by such other agreement as the governing body determines best protects the public interest in the right-of-way, and subject to the provisions of the Code.

C. Construction Standards For Facilities In Rights-Of-Way.

1. The installation, construction, operation, maintenance, and repair of facilities in the right-of-way shall be in accordance with applicable health, safety and construction codes as well as those standards promulgated by the Community Development

Director, as the same may be considered and approved by the governing body from time to time.

2. All facilities shall be installed and located with due regard for minimizing interference with the rights and convenience of property owners, including the City.
3. No occupant shall place facilities where they will damage or interfere with the use or operation of previously installed facilities or obstruct or hinder other utilities serving the residents and businesses in the City.
4. Subject to all other requirements of the Code, antennae for small wireless facilities may be installed, maintained, and operated so long as:
 - a. Such antennae are installed only on existing light and traffic signal poles (or similar replacements therefore) and any wire or fiber connection to and from such antennae are similarly attached along or within such pole to the ground and facilities buried under ground.
 - b. No equipment shall be installed above the system neutral on any pole being utilized for the transmission or distribution of electricity by the municipal electric utility.
 - c. No wires or fiber are attached from pole to pole above ground.
 - d. Such small wireless facilities are constructed and installed in conformance with aesthetic standards promulgated by the Community Development Director, as the same may be considered and approved by the governing body from time to time.
 - e. All other small wireless facilities and appurtenances thereto are installed and constructed underground.