

ORDINANCE NO. 2215

AN ORDINANCE AMENDING SECTION 13-110, SECTION 13-111, SECTION 13-112, OF ARTICLE 1, AND SECTION 13-209 OF ARTICLE 2, CHAPTER XIII, STREETS AND SIDEWALKS, OF THE CODE OF THE CITY OF BURLINGAME, KANSAS AND REPEALING ORDINANCE 2165.

NOW BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS, to wit:

SECTION 1. Section 13-110 of Article 1, Sidewalks, of Chapter XIII, Streets and Sidewalks, of the Code of the City of Burlingame, Kansas, is hereby amended to read as follows:

13-110. OBSTRUCTING SIDEWALKS. It shall be unlawful for any person to build or construct any step, ramp, or other obstruction, whether temporary or permanent, or to store, leave or allow to be left any implements, tools, merchandise, goods, containers, benches, tables, display cases, show cases or any other object on any sidewalks or other public ways in the city or to obstruct the same longer than is necessary for loading or unloading any such article or object.

SECTION 2. Section 13-111 of Article 1, Sidewalks, of Chapter XIII, Streets and Sidewalks, of the Code of the City of Burlingame, Kansas, is hereby amended to read as follows:

13-111. SAME EXCEPTIONS. Notwithstanding the provisions of Section 13-110, a business located in the Central Business District shall not be prohibited from:

- (a) Constructing a ramp or step on the sidewalk abutting the businesses property to allow disabled persons access to a building, provided however, any ramp or step built or placed on a sidewalk pursuant to this subsection must comply with ADA guidelines and must allow 60 inches of free passage and can only be constructed after a proper permit is obtained or;
- (b) From placing any merchandise, goods, display cases, showcases on the sidewalk abutting the business property between the hours of 8 a.m. to 6 p.m. provided however, any such obstruction must allow for 72 inches of free passage and not present a danger to the public. All above items must be off of the sidewalk abutting the business property on days the business is not open and anytime between 6 p.m. and 8 a.m. This requirement does not apply to vending machines,

heavy benches and tables, refuse collection containers, or flower boxes intended for permanent outside use.

For the purposes of this section:

“Central Business District” shall mean all property abutting Santa Fe Avenue beginning at the intersection of Santa Fe Avenue and Topeka Avenue and extending one block to the east and one block to the west, and all property abutting Topeka Avenue beginning at the intersection of Topeka Avenue and Santa Fe Avenue and extending one block to the north and one block to the south. Moreover, any property that is operated as a business and contiguous to the property described above shall be considered part of the Central Business District.

“Free passage” shall mean a width of sidewalk that is continuous in one place and free of any obstruction.

SECTION 3. Section 13-212 of Article 1, Sidewalks, of Chapter XIII, Streets and Sidewalks, of the Code of the City of Burlingame, Kansas, is hereby amended to read as follows:

13-112. SAME PENALTY. Any person found to be in violation of Section 13-110 shall be issued a citation. Upon the first conviction hereunder, the violator shall be ordered to remove the obstruction and pay a fine of no more than \$50.00. Upon the second or subsequent conviction hereunder, the violator shall be ordered to remove the obstruction and pay a fine of no more than \$100.00. If the obstruction is not removed within 24 hours after a conviction hereunder, the city may remove the obstruction and, the violator shall be assessed the cost of such removal. Each day during or on which a violation occurs or continues after a citation has been issued shall constitute a separate offense.

SECTION 4. Section 13-209 of Article 2, Streets, of Chapter XIII, Streets and Sidewalks, of the Code of the City of Burlingame, Kansas, is hereby amended to read as follows:

13-209. USING STREETS:

- (a) No person shall occupy any portion of any street, alley or sidewalk for the purpose of temporarily storing building materials without first obtaining a permit for such temporary use from the governing body.
- (b) Except as provided for in Section 13-111 of this code, no person may use any portion of any sidewalk or

street right-of-way for the purpose of displaying or offering for sale wares, goods, merchandise or other items. Nothing in this article however shall be construed as prohibiting the city governing body from temporarily waiving the prohibition of this subsection in connection with community promotions or community-wide celebrations when such waiver is considered to be in the best interest of the city.

SECTION 5. REPEAL. Ordinance No. 2165 is hereby repealed

SECTION 6. PUBLICATION; EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage by the Governing body, approved by the Mayor, and published in the official City newspaper.

Passed by the Council and approved by the Mayor this 20th day October, 2014.


Michael T. Dorr, Mayor


Attest: Lee Ann Smiley, City Clerk



AFFIDAVIT OF PUBLICATION
The Osage County Herald-Chronicle
Osage City, Kansas
STATE OF KANSAS
OSAGE COUNTY, ss.

Catherine R. Faimon

of lawful age, being first duly sworn, depose and says that she is the publisher of **THE OSAGE COUNTY HERALD-CHRONICLE** a biweekly newspaper printed in the State of Kansas, published in the city of Osage City, County of Osage, State of Kansas, and of general circulation in Osage County, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper has been continuously and uninterruptedly published in said county, at least 50 times each year during the period of more than five years immediately prior to the first publication of the notice hereinafter mentioned, and has been duly admitted to the mails as Second Class matter in Osage County, Kansas, and that notice of which a true copy is hereto attached, was published in the regular and entire issue of

The Osage County Herald-Chronicle

for 1 consecutive week(s).

The first publication thereof being made as aforesaid on

Oct. 30, 2014

with subsequent publications made on the following dates:

_____, 20____
_____, 20____
_____, 20____
_____, 20____

and affiant further says she has personal knowledge of the statements set forth and that they are true.

Catherine R. Faimon

Catherine R. Faimon

Subscribed and sworn to before me this 30 day
of Oct., 2014.



Notary Seal

Rosanne Blacketer

Rosanne Blacketer

Notary Public

My commission expires Feb. 4, 2017

AFFIDAVIT OF PUBLICATION -

The Osage County Herald-Chronicle, Osage City, Kansas
Affidavit and proof of publication examined, approved
and filed this _____ of _____, 20____.

Recorded in _____.

Judge-Clerk of District Court

(Published in The Osage County
Herald-Chronicle Thursday, Oct.
30, 2014.)

Ordinance No. 2215
Summary

On October 20, 2014, the City of Burlingame, Kansas adopted Ordinance No. 2215, an Ordinance relating to Obstructing Streets and Sidewalks, Exceptions thereto, and Penalties pertaining to such. The Ordinance amends Section 13-110, 13-111, 13-112 of Article 1 and Section 13-209 of Article 2, chapter XIII, of the Code of the City of Burlingame and Repeals Ordinance #2165. A complete copy of this ordinance is available at www.burlingameks.com or at City Hall, 101 E Santa Fe Ave.

This summary certified by:
/s/ Rick Godderz,
City Attorney